
TIGARD CITY COUNCIL
MEETING

JUNE 10, 2003 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
JUNE 10, 2003

6:30 PM

- STUDY SESSION
 - > PUBLIC FACILITIES AND SERVICES ASSESSMENT FOR THE BULL MOUNTAIN AREA
 - Staff Report: Community Development Staff
 - CITY MANAGER'S PERFORMANCE REVIEW
 - Mayor Griffith
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. PROCLAMATION: DECLARE JUNE AS TIGARD SAFETY MONTH
 - Mayor Griffith
3. VISITOR'S AGENDA (Two Minutes or Less, Please)
 - Tigard Area Chamber of Commerce Envoy
4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 4.1 Approve Council Minutes for May 13, 20, and 27, 2003
 - 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda

- 4.3 Approve Update of the City's Room Use Policies and Procedures – Resolution No. 03-____
- 4.4 Approve Revision to the Washington County Interagency Narcotics Team Intergovernmental Agreement
- 4.5 Approve Submittal of Fiscal Year 2002 State Domestic Preparedness Equipment Grant
- 4.6 Local Contract Review Board:
 - a. Approve Awarding of Purchase Agreement to Garten Mailing Services for Mailing and Barcode Services for Utility Billing and Other Special Mailings
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
5. UPDATE ON THE NEW TIGARD LIBRARY
 - Staff Report: Library Staff
6. PUBLIC HEARING – CONSIDER A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES
 - a. Open Public Hearing
 - b. Summation by Finance Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 03 - ____
7. PUBLIC HEARING - CONSIDER AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES
 - a. Open Public Hearing
 - b. Summation by Finance Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Ordinance No. 03 - ____

8. PUBLIC HEARING – APPROVE THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2003-2004
 - a. Open Public Hearing
 - b. Summation by Engineering Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: A motion to adopt the fiscal year 2003-2004 Capital Improvement Program and Projects.

9. PUBLIC HEARING - CONSIDER A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2003-2004
 - a. Open Public Hearing
 - b. Summation by Finance Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 03 - _____

10. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 28 – PORTIONS OF SW O'MARA STREET, SW FREWING STREET, SW EDGEWOOD STREET, SW HILL VIEW COURT, AND SW MCDONALD STREET
 - a. Open Public Hearing
 - b. Summation by Engineering Department
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 03 - _____

11. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29 – SW PARK STREET,
SW DERRY DELL COURT, SW COOK LANE AND SW WATKINS AVENUE
 - a. Open Public Hearing
 - b. Summation by Engineering Department
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 03 - _____

12. CONSIDER AN ORDINANCE TO AMENDMENT SECTION 3.44.055(A) OF
THE TIGARD MUNICIPAL CODE RELATING TO THE DEFINITION OF
SUBSTANDARD UNDEVELOPED PROPERTY
 - a. Staff Report: Finance Staff
 - b. Council Questions and Discussion
 - c. Council Consideration: Ordinance No. 03-_____

13. PUBLIC HEARING (QUASI-JUDICIAL) – APPEAL OF A DIRECTOR'S
INTERPRETATION REGARDING BILLBOARD SIGNS; COMMUNITY
DEVELOPMENT CODE 18.780
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - c. Staff Report: Community Development Department
 - d. Public Testimony
 - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.
 - Proponents
 - Opponents
 - Rebuttal
 - e. Staff Recommendation
 - f. Council Questions
 - g. Close Public Hearing
 - h. Council Consideration: Ordinance No. 03-

14. COUNCIL LIAISON REPORTS

15. NON AGENDA ITEMS

16. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

17. ADJOURNMENT

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MEMORANDUM

CITY OF TIGARD

TO: Mayor and City Council Members

FROM: Jim Hendryx

DATE: May 28, 2003

SUBJECT: Public Facilities and Services Assessment Report for the Bull Mountain Area

At the June 10, 2003 Council study session, I will be providing an overview of the Public Facilities and Services Assessment Report for the Bull Mountain area. The report provides a template for evaluating the issues of how and when the City provides services to our Urban Services Area and, in particular, Bull Mountain. It provides a framework for further policy discussion on how and when this area is annexed and receives City services.

Copies of the Assessment Report will be provided at the study session.

AGENDA ITEM # _____
FOR AGENDA OF 6/10/03

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Proclamation Declaring June as Tigard Safety Month

PREPARED BY: Loreen Mills  DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the Council recognize Tigard Safety Month in coordination with the National Safety Council's designation of June 2003 as National Safety Month?

STAFF RECOMMENDATION

Proclaim June 2003 as Tigard Safety Month.

INFORMATION SUMMARY

The National Safety Council has designated June 2003 as National Safety Month, an annual observance aimed at increasing public awareness of the dangers Americans face each day on the highways, in homes and communities, from environmental hazards, and in the workplace.

Today safety is a way of life. Not just on the job, but at home, in public places, and on the road. People are taking personal responsibility for their own safety, and making plans to keep their families, communities, and workplaces safe. As our world changed on 9/11, so did our approach to creating a safe environment. Tigard doesn't look to "quick fixes" but to long-term solutions to those things challenging the safety of our community.

With that in mind, Tigard's Safety Month 2003 will focus on various areas of safety and preparedness awareness as listed below. There will be weekly updates on the City's web site as well as at least one news release.

Driving Safety Week -- June 1-7 - Focus: Driver Distractions. Nationally, approximately 12.5 million motor vehicle crashes in 2001 resulted in more than 1.5 million disabling injuries and 42,900 fatalities. According to the National Highway Traffic Safety Administration, some form of driver distraction is a factor in 20-30% of all automobile crashes. During the first week of National Safety Month, the City will describe safety measures that will help Americans avoid traffic accidents caused by driver inattention, fatigue, cell phone use and other distractions.

Home and Community Safety Week -- June 8-14 - Focus: Elderly Falls. Falls account for more than 10,000 deaths each year to people aged 65 and older. From June 8-14, the City will provide safety tips on its website to the elderly and those who care about them to decrease the incidence of these life-threatening accidents. Information will also be available at the Tigard Senior Center.

Preparedness Week – June 15-21 - Focus: Emergency Preparedness. Preparedness is not just for disasters, terrorism or weather emergencies. Consider events that don't have widespread impact, but can have huge personal impact: a car accident, a fall in the home, a heart attack. An emergency can happen to anyone at any time. During this week, the City will stress the importance to individuals, families and organizations to prepare for emergencies by learning first aid, CPR and AED procedures and by developing emergency plans for homes, buildings and public facilities.

Workplace Safety Week – June 22-30 - Focus: Safety Leadership. The final week of Tigard Safety Month will focus on helping organizational leaders, managers and supervisors to understand the important role they have in protecting the safety and health of their employees and their families on and off the job.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Proclamation declaring Tigard Safety Month.

FISCAL NOTES

There is no cost to this promotion other than some staff time to put material together for the website.

PROCLAMATION

SAFETY MONTH 2003

WHEREAS, today safety is a way of life, not just on the job, but at home, in public places, and on the road; and

WHEREAS, the National Safety Council, founded in 1913, is celebrating its 90th anniversary this year and has declared June 2003 as National Safety Month; and

WHEREAS, even with advancements in safety that create a safer environment for Americans, such as improvements in technology and new legislation, the unintentional-injury death toll is still unacceptably high; and

WHEREAS, Tigard and its citizens share this concern and look for solutions, it is recognized that all levels of government, as well as the general public must work together to address safety and health threats; and

WHEREAS, the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution.

NOW THEREFORE BE IT RESOLVED THAT I, James E. Griffith, Mayor of Tigard, on behalf of the entire City Council, do hereby proclaim:

June 2003 as Safety Month

in Tigard and urge all citizens to take personal responsibility for their own safety, and making plans to keep their families, community and workplaces safe.

Dated this _____ day of _____ 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

James E. Griffith, Mayor
City of Tigard

Attest:

City Recorder

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
May 13, 2003

Council President Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:30 p.m. to discuss current or potential litigation under ORS 192.660 (1h).

Executive Session concluded at 6:59 p.m.

- STUDY SESSION
 - Insurance Coverage for Council

Risk Manager Loreen reviewed types of policies, the carrier, and coverage for City Council, including liability, bonding and workers compensation. City Attorney Ramis reviewed the layers of protection:

- 1) City will indemnify Council members to the extent that Council members were performing their duties.
- 2) A tort claim must be brought against the City, not an individual.
- 3) Council members have statutory immunity for policy decisions (virtually anything on a Council agenda where discretion must be exercised). Make sure decisions are made as a "council" not as an individual.
- 4) City provides insurance coverage protection.

To keep protection:

- 1) Act as a body
- 2) Exercise good faith in decision making
- 3) Don't engage in self-dealing (personal gain)

Attorney Ramis briefly reviewed ethics violations.

Special areas to be aware of:

- 1) No insurance coverage for "takings" cases
- 2) A council member can be personally liable for unauthorized expenditures (using city funds to promote advocacy on ballot measures, personal expenses, or not following budget laws)

- Administrative Items

- Mayor was “shadowed” during the Council meeting by High School Student Katherine Parr-Philipson.

Katherine Parr-Philipson was introduced to the City Council.

- Paul Brems Resolution – Council agreed to consider a proposed resolution acknowledging the efforts of Paul Brems during his tenure as the Tigard High School Student Envoy to the City of Tigard. A draft resolution was distributed to Council members who considered the resolution during the Business Meeting before the Visitor’s Agenda.
 - Consider whether to place a resolution for Council to consider opposing formation of an electric people’s utility district (PUD) in Multnomah County (Proposed Resolution distributed to Council).

Council agreed to consider the resolution as a non-agenda item during the business meeting.

- City Recorder Review – On May 20, 2003, Council members will return questionnaires about the City Recorder’s performance review to the City Manager.

Council will return questionnaires by May 20.

- Consent Agenda

Councilor Wilson noted questions about how franchise agreements are structured. After brief discussion, City Manager suggested that franchise agreements be placed on a future agenda for Council review.

- Transportation Financing Strategies Task Force – Membership

Council will consider new members for continuing work that needs to be accomplished.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None

- 1.5 Call to Council and Staff for Non-Agenda Items: Discuss and consider the Council's opinion about the formation of an electric people's utility district (PUD) in Multnomah County. (See Agenda Item No. 8)

2. PROCLAMATION

- 2.1 Mayor Griffith proclaimed the Week of May 18 to 24, 2003, as Emergency Medical Services Week.

Shane Ryan, Communications Director, and Sue Higgins, First Responder, from Metro West Ambulance noted they appreciated the City's support. A plaque was presented to the Mayor.

➤ CONSIDER A RESOLUTION ACKNOWLEDGING AND COMMENDING PAUL BREMS FOR HIS EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

- Motion by Councilor Sherwood, seconded by Councilor Dirksen to approve Resolution No. 0-3-14.
- RESOLUTION NO. 03-14 - RESOLUTION ACKNOWLEDGING AND COMMENDING PAUL BREMS FOR HIS EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD
- The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

3. VISITOR'S AGENDA

- Tigard High School Student Envoy Paul Brems

Paul Brems introduced Angela Jensen, who is the Student Envoy to the City for the upcoming school year. Mr. Brems issued a report on student activities to the Council.

- Tigard Area Chamber of Commerce President-Elect Dan Murphy

Dan Murphy reported the Shining Stars Banquet was a great success. He noted upcoming Chamber of Commerce events.

4. CONSENT AGENDA: Motion by Councilor Dirksen, seconded by Councilor Wilson, to approve the Consent Agenda as follows:
 - 4.1 Approve Council Minutes for March 18 and 25, and April 8 and 15, 2003
 - 4.2 Receive and File:
 - a. Annual Solid Waste Financial Report Findings
 - b. 2003 State Domestic Preparedness Equipment Grant
 - 4.3 Approve Submittal of a Transportation and Growth Management Grant Application for Preparing a Downtown Redevelopment Plan – Resolution No. 03 - 15
 - 4.4 Local Contract Review Board:
 - a. Award Contract for the Construction of Embedded Crosswalk Lighting System on Bonita Road to North Star Electrical Contractors
 - b. Award Contract for Engineering Services for the Design and Construction of the New 550 Foot Reservoir #2 (Rider School Reservoir) to Murray, Smith and Associates, Inc.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. UPDATE ON NEW LIBRARY

Library Director Barnes updated Council. The design is complete. Construction is scheduled to begin in June. The project remains on schedule and within budget. Final designs and floor plans were presented to the Council. The groundbreaking ceremony is scheduled for Saturday, May 17, 10 a.m. on the new library site.

6. INTRODUCTION TO THE COMMUNITY ASSESSMENT PROGRAM (CAP)

Assistant to the City Manager Newton presented the staff report. A new program called the Community Assessment Program (CAP) was initiated on a trial basis in January. The program is aimed at validating that city employees and elected officials have a complete understanding of the existing conditions within the city on a neighborhood-by-neighborhood basis, and at ensuring that issues are addressed promptly, efficiently and in an equitable manner.

The city was divided into 45 areas that generally correspond to the police department patrol grids. A schedule was developed so that each Wednesday afternoon, a team of employees covers a different area of the city.

The next step in the process will be a community report, which will be issued within 30 days of the walk, ideally to a community connector, posted on the web, and summarized in the Cityscape. Staff also proposed to publicize the CAP schedule and set up an email account for citizens to submit comments, suggestions, or questions.

Council indicated their support of this program. Councilor Moore said that it's a "terrific idea." Council would like to be kept informed of the walk schedule.

7. DISCUSSION OF THE STREET MAINTENANCE FEE

City Engineer Duenas presented the staff report and background information. He reviewed the answers to Council questions, which were provided in a report and submitted to the Council in their meeting packet materials. Discussion followed on the allocation of the fee between residential and commercial. Staff proposes a fee based on trip generation, which is a 78/28% split for commercial/residential allocations. Mr. Duenas referred to the 15-year program for street maintenances, which was based on the Pavement Management System document. This 15-year program will be redistributed to the Council.

City Attorney Ramis reviewed the difference between a "tax" and a "fee." A fee is a carefully tailored charge that relates to the service received. Council members reiterated that if a fee is adopted, then it should be reviewed regularly along with other city fees.

City Manager noted that the proposed street maintenance also will take care of right-of-way maintenance, including sidewalks, on collector and arterials. Other cities' street maintenance fees do not include this right-of-way maintenance provision. There was discussion on this aspect of the proposed Tigard street maintenance fee on whether it is fair to other citizens to provide this maintenance for arterials and collectors. Council Dirksen noted the distinction whereby residents along arterials and

collectors have double frontage. They are required to maintain their sidewalks and right-of-way landscaping in front of their homes; however, often sidewalks and landscaping along an arterial or collector street is located behind the homes and is not easily accessed.

Council will continue its deliberation on this matter on May 27. City Manager Monahan asked Council to submit to staff, as soon as possible, any additional questions they might have.

8. CONSIDER A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT PROGRAM BUDGET

City Engineer Duenas presented the staff report. The proposed amendments to the capital improvement program (CIP) were to add the Bonita Road reconstruction project, delete the North Dakota Street project, and separate the Hall Boulevard/Wall Street intersection project from the Wall Street Local Improvement District. No changes in the overall CIP budget will occur as a result of the above amendments.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 03-16.

RESOLUTION NO. 03-16 – A RESOLUTION TO AMEND THE FY 2002-03 CIP (CAPITAL IMPROVEMENT PROGRAM) BUDGET

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS

Council discussed the formation of an electric people's utility district (PUD) in Multnomah County. This matter had also been discussed on April 15 by the Council. The Mayor advised he would like to see the City take a stance in opposition to the formation of a PUD, since it appeared that a PUD would be of no benefit to the City of Tigard. Councilor Wilson commented that the Tigard community has been well served by PGE. Mayor Griffith read the proposed resolution in its entirety.

Motion by Councilor Dirksen, seconded by Councilor Sherwood, to adopt Resolution No. 03-17.

RESOLUTION NO. 03-17 – A RESOLUTION OPPOSING FORMATION OF AN ELECTRIC PEOPLE’S UTILITY DISTRICT (PUD) IN MULTNOMAH COUNTY

The motion was approved by a majority vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Abstained
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- Council reconvened into Study Session to continue to review the following administrative items:

- Board and Committee Interviews – Review and discuss schedule (Information was distributed to Council)

Council discussed the boards/committees that need to have members appointed or reappointed. Interview schedules will be developed to address the following board and committee vacancies:

- Library Board – first week in June
- Park & Recreation advisory board – late June or early July
- Budget Committee – no urgency since bulk of activity will not occur until next year

- City Council/Washington County Joint Meeting

No meeting date has been set; it is likely it will be August 19.

- Library Groundbreaking – May 17, 10 a.m.

Council was reminded about the groundbreaking ceremony

- Police Community Meeting: May 15, 6:30 p.m.

Councilor Moore will attend this meeting.

➤ Tour of City facilities

Councilors Sherwood, Wilson and Dirksen expressed interest in a police ride-along. Police Department Staff will contact these Council members.

➤ Council Contact Information

Council received a listing of telephone numbers for Council members. They will review and advise Administration Staff of any changes.

➤ Management Cost of Living Allowance

City Manager noted the budget will propose a 2.5% management cost of living allowance for next fiscal year.

➤ City Manager Review

Within the next two weeks Council will fill out rating forms, which will be compiled for the City Manager to review. Council will meet to discuss goals for the City Manager. It was suggested that the goal-setting discussion take place after the business meeting on May 27 or June 10.

➤ Other items

- A person sleeping on the railroad tracks in the City of Tigard was hit and killed by a train last Sunday.
- The Mayor will attend the trail dedication on May 30, 10:45, Fowler Middle School.

11. EXECUTIVE SESSION: Not held

12. ADJOURNMENT: 9:36 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
May 20, 2003

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:33 p.m.
- 1.2 Roll Call: Mayor Griffith and Councilors Dirksen, Moore, Sherwood, and Wilson were present.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items: None

2. JOINT MEETING WITH THE LIBRARY BOARD

Library Board Chair Anne Braun and Library Board members Marvin Diamond, Suzan Turley, and Jane Smith presented information to the Council about the following: circulation/cultural passes; reference and adult programming; children's programming/resources and an update on the new library.

Mayor commented on the "magnificent groundbreaking ceremony" that took place on Saturday, May 17.

Graphs were reviewed showing increases in circulation from 2000 to 2002; visitors per year from 2000 to 2002; cultural pass use in 2001 and 2002; and Internet use 2001 to 2002. Copies of these graphs are on file with the City Recorder.

Library Board members thanked the Council and community for the continuing support of the library.

3. ANNUAL REPORT ON THE TIGARD MUNICIPAL COURT

Judge Michael O'Brien and Court Manager Nadine Robinson presented the annual report to the Council. Following the Council's decision to accept certain categories of juvenile offenses, the first misdemeanor cases were referred to the court by the Tigard Police Department in June, 2002. Since relatively few cases were active during the first few months of the program, it is too early to evaluate its impact on juveniles. However, there are some encouraging trends in the preliminary data:

- 97% of cited juveniles have appeared for their scheduled arraignments.
- Rates of compliance with conditions of probation have been very high, with no recidivism to date.
- Parental involvement has been very high.

- Juveniles have been ordered to complete 296 hours of community service to date.

In addition to the juvenile caseload, the court projects a caseload of approximately 7,400 traffic citations and 350 civil infractions for this fiscal year.

Judge O'Brien referred to a "unitary" assessment charged by the State for each ticket. Currently a charge of \$35 per ticket is paid to the State; there is discussion at the Legislature to raise this amount to \$40 per ticket.

Judge O'Brien will update Council in the fall about the juvenile court cases. Councilor Dirksen suggested that the next update be held during a business meeting so the information is cable cast for the public's benefit.

4. STATUS REPORT ON METRO GOAL 5

Associate Planner Duane presented the staff report. Metro is preparing a plan for regional fish and wildlife habitat protection in accordance with Statewide Planning Goal 5. The planning process includes three phases: 1) determining which resource sites are significant; 2) determining whether to allow, limit, or prohibit the development of resource sites; and 3) developing a protection plan consistent with the step two determinations. So far, Metro has completed the first phase of the planning process, inventorying and identifying significant resources. The target date to complete the second phase, or conflicts analysis, is May 2004. The target date for completion of the protection plan is December 2004. Council received a memo that provided a brief sketch of the regional Goal 5 process to date, along with an overview of the remaining steps and timeline. The memo also overviewed the Washington County "basin approach," which gives County jurisdictions responsibility, with Metro oversight, for completing the remainings steps in the Goal 5 process for regional resources sites located within Washington County.

The "Goal 5 Communication Plan" includes proposed City web page Goal 5 information and inventory map postings. It also includes staff participation with the basin group in two Goal 5 public open house meetings. The first open house is September 10, 2003.

An adjusted basin work program (due to change by Metro from their original concept) will necessitate an amendment to the Intergovernmental Agreement for additional funds for the analysis. This will be placed on a future Council agenda.

5. UPDATE ON LOCAL, COUNTY, AND STATE AFFORDABLE HOUSING ACTIVITIES

Associate Planner Duane Roberts introduced this agenda item. The purpose of this update was to inform Council of housing issues and provide an opportunity for the Council to ask questions about affordable housing.

Michael Soloway, Deputy Director of Community Partners for Affordable Housing provided a general update on CPAH's current and future activities and programs, including a proposed new low-income housing project located adjacent to the Washington Square Regional Center.

Susan Wilson, Director of Washington County Housing Services reported on her agency's acquisition of an apartment complex on Bonita, formerly known as Tiffany court. Ms. Wilson reported on present and proposed efforts to upgrade the complex and operate it as safe and decent affordable housing.

Craig MacColl, Executive Director of Vision Action Network reported on the efforts to establish a housing trust fund to provide new funding to affordable housing by a collaborative combination of public, private and philanthropic resources.

John Blatt, Executive Director for the Association of Oregon Community Development Organizations updated the Council on pending bills in the current legislative session. It is not known yet how affordable housing will fare this session.

6. PRESENTATION ON THE CITY OF TIGARD 2003 ALMANAC

Community Development Director Hendryx introduced this agenda item. Assistant Planner Beth St. Amand reviewed the *Almanac*, which was an ongoing long-range planning project to compile various statistics about Tigard. The objective of the 2003 *Almanac* was to collect valuable statistics in one location, making them easily accessible by citizens, staff, and the business community. Ms. St. Amand reviewed some of the "Tigard Facts" contained in the *Almanac: Facts and Figures about Oregon's 11th Largest City*.

Each department will receive one printed copy of the *Almanac* and it will be available electronically on the Internet. A press release will be sent to the *Tigard Times* announcing the *Almanac* availability. The report will be available at the Community Development Counter and two reference copies will be installed at the library.

7. COUNCIL LIAISON REPORTS: None

8. NON-AGENDA ITEMS & ADMINISTRATIVE ITEMS

- City Manager's Review Process - Council members will turn in their rating sheets to Mayor Griffith next week (May 27)
- I-5/99W Update by Mayor Griffith - Mayor Griffith and City Manager Monahan reported on a meeting held earlier this day about potential funding for a road bypass from Highway 99 to I-5. This meeting was attended by representatives from several cities in Washington County and by Washington County Board Chair Tom Brian. Ideas are conceptual only; however, there is to be no impact on current transportation programs. There was discussion on acknowledgement by those attending today's meeting, that if this bypass does not assist Tigard's transportation issues, then additional MSTIP dollars would be allocated for Tigard projects.
- City Recorder's Review – Council members were reminded to give performance review questionnaires to City Manager Monahan
- Meeting with Washington County Board – Tuesday, August 19, 6 p.m. - City Manager Monahan advised Council of this meeting date and time.
- Council Vacation Schedule through September - City Manager Monahan requested that Council members advise City Recorder Wheatley of vacation plans.
- Update on Balloon Festival Status - Councilor Moore will update the Council on the Balloon Festival at the June 17 meeting.

9. EXECUTIVE SESSION: Not held

10. ADJOURNMENT: 9:27 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
May 27, 2003

Council President Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson

- STUDY SESSION

- UPDATE ON THE RANDALL GRANT PROGRAM

Assistant to the City Manager Newton presented the staff report. The City entered into a contract with Randall Funding and Development on June 12, 2001 for grant writing services. A funding strategy report was developed that emphasized pursuing grants for the new library, transportation, police, the downtown, parks and wetlands, and youth programs. After the incidents of September 11, 2001, the focus of disbursement of federal grant funds shifted to Homeland Security, primarily for fire departments and first responders. No grants were submitted for various reasons. Randall agreed to provide services for the current fiscal year at no charge.

In the current fiscal year, Randall secured a grant of \$10,668 for bullet proof vests. Randall just submitted a grant application for HAZMAT response equipment for the police department in the amount of \$43,244. Another grant application for \$105,698 has been submitted for forensic video assessment equipment and AED's for each police vehicle.

Randall has agreed to provide weekly grant alerts and write up to four grant proposals for the next fiscal year at no charge to the City.

- DISCUSSION OF PARKS FEES AND CHARGES

Park Manager Dan Plaza presented the staff report. It has been ten years since the application fees and rental rates for park reservations (picnic shelters and fields) have been raised.

Mr. Plaza reviewed the rate structure and the goal to recover approximately 70% of the administrative and operational costs of the picnic shelter and fields reservation program while maintaining a 50% reduced hourly rate for resident users.

Council discussed several options on rate structure. The general consensus was that the administrative fees were high. It was suggested that administrative fees should be reduced and that hourly fees should be reviewed for a 50-70% cost recovery. The Council members supported non-residents paying a higher fee than residents.

Staff will return with a new proposal for fee rates on June 17, 2003, which is a Council workshop meeting.

➤ Administrative Items

- School Groundbreaking Invitations
 - Metzger School, June 2, 1 p.m.
 - C.F. Tigard School, June 4, 10:35 a.m.Formal invitations are expected this week.
 - "Cops and Brats" – Haggens Grocery Store is focusing on community involvement in Tigard. On May 30, 31, June 13, 14, 27, 28, and July 18 and 19, Haggens will sell a bratwurst and soft drink for \$2. A donation of \$1.25 for each purchase will be made to police department youth programs.
 - School District Ballot Issue – A meeting is scheduled the morning of May 28 to discuss a possible school district ballot measure that would be submitted to the voters on the September 2003 ballot to support pools and School Resource Officers. Council will receive an update in the May 30 Council newsletter.
 - June 15 dedication of the Nicoli Brothers Ball Fields was postponed indefinitely. Dave Nicoli will select a new date.
 - Council received information on legislative issues that City staff is tracking as well as information on the referendum process in their May 23 mail packet.
 - A letter from Robert A. Pierce & Associates and an e-mail communication from Jim Thielke regarding the street maintenance fee were distributed to the Council.
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:12 p.m. to discuss labor negotiations under ORS 192.660 (1d).

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:33 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

Two people, Cleon Cox III and Paul E. Owen, signed in to speak during the Visitor's Agenda about the street maintenance fee. Upon advice of Legal Counsel Ramis, Mayor advised that no additional comments from the public could be heard by Council since the public hearing was conducted and closed on April 22, 2003. The purpose of the agenda item before the Council at this meeting is for the Council to discuss this issue.

3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Sherwood, to approve the Consent Agenda as follows:

3.1 Approve Council Minutes for April 22, 2003

3.2 Local Contract Review Board

- a. Award the contract for the construction of Street and Storm Drainage Improvements on Walnut Terrace to D&D Concrete and Utilities

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

State Representative Williams visited with Council about the status of activities at the legislature. An additional \$60 million shortfall is projected for this biennium budget period; however, state revenue sharing will not be lost to local governments this session. Legislators are grappling with short-term budget balances along with long-term stability and structure of the tax system.

Mayor Griffith reiterated Tigard's concern about state preemption on local government's abilities to set fees. Representative Williams said that by-in-large, he did not support preemption proposals.

There was discussion on school-related funding to raise taxes outside the \$5 cap on schools. The legislature may need to act to give schools the ability to ask voters to approve activities (not strictly related to education) such as swim center operations and recreation programs.

In response to a question from Councilor Sherwood, Representative Williams said he hopes that the Housing Trust Fund will not be "raided."

In response to a question from Councilor Wilson, Representative Williams said SAIF is doing a good job in keeping worker's compensation premiums in check. There are differing opinions on whether SAIF should continue as a quasi-public corporation. An initiative will be before voters on whether this insurance should be provided by the private sector.

Representative Williams responded to the concerns noted by Mayor Griffith on SB 444, 445 and 446. These bills are now in the House Rules Committee and "do not appear to be moving fast." Because of the technical nature of these bills, Representative Williams said he thought legislators were waiting to educate themselves on the effects of these legislative proposals until it became more likely these bills would make it out of committee. Representative Williams said he realized that management is opposed to the bills, while the unions are supportive.

Representative Williams said that the effort to preempt additional hotel/motel taxes locally was still in the Revenue Committee; talks have stalled.

Senator Burdick arrived later in the meeting. She also spoke about the budget issues and the difficulty of determining what to fund and how to pay for important programs.

She stated she is strongly opposed to preempting local government's ability to raise fees or establish new fees for service.

Senator Burdick noted there are discussions being held outside the government about a grass roots effort to revise the tax structure.

5. CONTINUE DISCUSSION OF THE STREET MAINTENANCE FEE

City Engineer Duenas reviewed the staff report and the status of this agenda item. On April 22, 2003, a public hearing was held to consider the formation of a street maintenance fee. Council reviewed responses to questions they posed to staff at its May 13, 2003, meeting.

City Engineer Duenas presented five options for Council to consider to provide direction to staff.

Council discussion highlights follow:

- Councilor Moore noted this proposal has been studied for two years. The original recommendation to implement a street maintenance fee was forwarded to Council by a task force comprised of a group of citizens who were asked to study funding options and forward recommendations to the Council. Councilor Moore said he is concerned about the economic climate for business and might consider a compromise option.
- Councilor Wilson said he was concerned about the equity of how the fee is split between residents and businesses. He said he might consider a 50/50 split to cover the cost of street maintenance only, since in the long-run a maintenance program would save money.
- Councilor Sherwood expressed concerns about the economy and said this was bad timing for businesses to have to pay this fee. She said she was in favor of business representatives (from Oregon Grocers, Washington Square, and Tigard Chamber of Commerce) meeting with the task force members to attempt to find a compromise solution.
- Councilor Dirksen said he agreed with Councilor Moore adding that he thought the calculation of the fee was done scientifically. He said he would be willing for the task force and businesses to work toward a compromise on how the fee should be split; however, he would like to have a time limit and suggested 60 days.
- Mayor Griffith said the City would have to provide the funding for street maintenance since it's apparent that financial aid is not available from the state. He agreed that the economic climate for businesses is not good. He also noted that a street maintenance fee may not be the best way to fund sidewalk and right-of-way maintenance.
- Councilor Moore expressed concern about sending this matter back to the task force and he supported making the decision now. He said he would like to have sidewalks included for safety reasons and the right-of-way maintenance is important to help with the appearance. He said the appearance of much of the right-of-way along Durham Road is an embarrassment to the City. Councilor Moore supported the method of fee calculations proposed by the task force since much of the business-related traffic in Tigard is generated by non-residents traveling to destination shopping locations.
- Discussion continued with Council members agreeing with Councilor Moore's remarks, but suggested funding just the street maintenance portion first and then consider funding right-of-way maintenance and sidewalks at a later time.
- After discussion, motion made by Councilor Dirksen, seconded by Councilor Wilson, to support options 2 and 5 as outlined in the staff report as follows: The Transportation Financing Strategies Task Force is to review this matter with representatives of the business community and make a recommendation to the Council within the next 60 days; the scope of the fee will be limited to cover street maintenance and street light and traffic signal maintenance (not sidewalks or right-of-way).

The motion was approved by a majority vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	No
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- City Attorney advised the Council would need to decide whether to reopen the public hearing.

6. UPDATE ON GREENSPACES PROGRAM BY METRO PRESIDENT DAVID BRAGDON

Metro Council President David Bragdon updated Council on the Greenspace program approved by voters in 1995. Tigard was allocated \$757,000 which has helped fund the purchase of 4.25 acres on Bull Mountain and property for the Fanno Creek Greenway trail. President Bragdon distributed information to the Council on the Fanno Creek Greenway Trail and the August 2001 *Metro GreenScene*, which outlined what has been accomplished with the \$135.6 million package to buy land to protect forest, wetland, river and stream habitats.

7. CONSIDER THE FANNO CREEK PARK MASTER PLAN

Park Manager Dan Plaza presented the staff report. He introduced Jonathan Beaver of Murase and Associates who shared with Council key elements of the Fanno Creek Master Plan. Several public input meetings were held and this input was incorporated into the master plan as to how the site should be developed and landscaped. The cost for the master plan services was \$26,397 funded by Parks Systems Development Charges. The City has applied for a grant to construct the Fanno Creek Trail.

Motion by Councilor Moore, seconded by Councilor Wilson, to approve the Fanno Creek Park Extension Master Plan.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. PUBLIC HEARING (QUASI-JUDICIAL) – SW MAPLELEAF AND SW OAK WAY
PUBLIC RIGHT OF WAY VACATION (VAC2002-00002)

The Tigard City Council will consider the proposed vacation involving a 26,258 square foot portion of SW Mapleleaf Street that lies to the south of SW Locust Street between SW Lincoln Street and SW 90th Avenue; and a 9,716 square foot portion of right-of-way formerly known as SW Oak Way that lies south of SW Mapleleaf Street between SW Lincoln Street and SW 90th Avenue.

The reason for the vacation request is to allow the Tigard-Tualatin School District to replace the existing Metzger Elementary School with a new school at the same location through a Conditional Use approval. There are no existing utilities in or along either right-of-ways to be vacated.

The request was filed with the City on December 31, 2002 and initiated by the City Council at the request of the applicant on April 8, 2003. Any interested person may appear and be heard for or against the proposed vacation of said Mapleleaf Street/Oak Way Public Right-of-Way Street Vacation. Any written objections or remonstrances shall be filed with the City Recorder by 7:30 PM on May 27, 2003.

- a. Mayor Griffith opened the public hearing.
- b. Declarations or Challenges: There were no declarations or challenges.
- c. Staff Report: Assistant Planner Matt Scheidegger presented the staff report.
- d. Public Testimony
 - Proponents

Mindy Shelton, 10425 SW 90th Avenue, Tigard, OR, testified in favor of the street vacation proposal, advising that the Oak Way portion of the vacation abuts her property.

Ed Murphy, 9875 SW Murdock Street, testified as a representative of the Tigard-Tualatin School District (applicant) in support of the vacation. Mr. Murphy distributed drawings illustrating the site layout for the proposed new Metzger Elementary School.

- e. Staff recommended approval of the vacation and that the Council adopt the proposed ordinance.
- f. Mayor Griffith closed the public hearing
- g. Council Consideration: Motion by Councilor Moore, seconded by Councilor Dirksen to adopt Ordinance No. 03-03.

ORDINANCE NO. 03-03 - AN ORDINANCE CONCERNING THE
VACATION OF AN APPROXIMATELY 26,258 SQUARE FOOT

PORTION OF PUBLIC RIGHT-OF-WAY BETTER KNOWN AS SW MAPLELEAF STREET AND AN APPROXIMATE 9,716 SQUARE FOOT STRIP OF RIGHT-OF-WAY FORMERLY KNOWN AS SW OAK WAY, WHICH LIES SOUTH OF SW MAPLELEAF STREET (VAC2002-00002).

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- 9. COUNCIL LIAISON REPORTS: None
- 10. NON AGENDA ITEMS: None
- 11. EXECUTIVE SESSION: Not held
- 12. ADJOURNMENT: 9:32 p.m.

Attest:

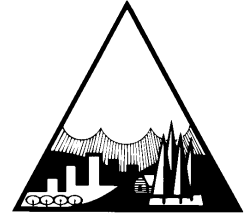
Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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**MEMORANDUM
CITY OF TIGARD, OREGON**



TO: Mayor and Council
FROM: Greer Gaston
DATE: May 27, 2003
SUBJECT: Three-Month Council Calendar

Regularly scheduled Council Meetings are marked with an asterisk (*).

June

10 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
17 *	Tues	Council Workshop Meeting – 6:30 p.m.
24 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

July

4	Fri	Independence Day Holiday – City Offices Closed
8 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
15 *	Tues	Council Workshop Meeting – 6:30 p.m.
22 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

August

12 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
19 *	Tues	Council Workshop Meeting – 6:00 p.m.
26 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

Tigard City Council
Tentative Agenda

6/17/03 - Workshop	6/24/03 - Business TV -Greeter	7/8/03 - Business TV -Greeter
Due: 6/3/03 @ 5 p.m.	Due: 6/1 /03 @ 5 p.m.	Due: 6/24/03 @ 5 p.m.
Workshop Topics	Study Session	Study Session
* City Manager Monahan Not Present*	* City Manager Monahan Not Present*	* City Attorney Attends Meeting*
		M.R.O.C.
Trends for In-Fill Development - Jim - 20 min	Briefing on Solid Waste Management &	Cityscape New Format & Discussion - Cathy
Right-of-Way Management Study Report -	Franchise Agreements - Tom - 20 min	
Craig - 15 min		
Update - Balloon Festival - Councilor Moore -		
10 min	Consent Agenda	Consent Agenda
Building Fee Update - Jim - BLUE SHEET	Approve Municipal Judge's Contract - RES -	LCRE-Approve 5 year Street Sweeping Contract -
Master Fees and Charges Schedule Update -	Nadine	Howard
Craig/Michelle - 20 min	LCRB - Award Contract for Construction of	LCRB - Approve Servicing Portable Restrooms -
	Sanitary Sewer District 28 - Gus/Vannie	Dan
	LCRB - Award Contract for Construction of	
	Sanitary Sewer District 29 - Gus/Vannie	
	Library Board Appt. - RES - Susan	
	Park & Rec Advisory Comm Appt. - BLUE	Business Meeting
	SHEET	VA - Chamber
	Business Meeting	New Library Update - PPT - Margaret - 10 min
	Sen Burdick, Rep Williams - 1 hour - Cathy	
	Building, Planning, Engineering Fee - Jim/Gus -	
	BLUE SHEET	
	Update City Master Fees - RES - Craig &	
	Michelle - 15 min	
	TMC - Housekeeping Ordinance - City Manager	
	and Official Titles - make consistent throughout	
	code - Cathy - 5 min	
		SI = standing item
		l:/adm/greer/tentatv ag/tentative.xls

Agenda Item No. 4.2b
Meeting of 6.10.03

Tigard City Council
Tentative Agenda

[illegible]

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update of the City's Room Use Policies And Procedures

PREPARED BY: Nadine Robinson DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the room use policies, rental procedures and fees associated with rental of meeting space be updated?

STAFF RECOMMENDATION

Adopt the resolution approving the updated policies, procedures, and fees for reservation of the Tigard Senior Center, City Hall conference rooms and Water Building conference rooms.

INFORMATION SUMMARY

In 1995, City Council adopted resolutions allowing individuals and groups the opportunity to reserve the Tigard Senior Center and conference rooms in City Hall and the Water Building. At that time, user groups were identified and rental fees were established. While most user groups pay rental fees to use the Senior Center, the room use policy for City Hall and the Water Building rooms allow many users the opportunity to use the rooms without charge.

Overall staff and citizens seem pleased with the way the room reservation process works. Feedback obtained through an annual customer survey has been very positive and many individuals and groups have had a chance to use City facilities. As time has progressed, we have found areas of the policies and procedures that need to be clarified. The primary language changes clarify the definitions of the user groups and the responsibilities the user groups have when using the rooms. We have also standardized much of the reservation processes to make the process easier for user groups.

The most significant change being proposed is to standardize the user groups' payment of rental fees. Conference rooms in City Hall and the Water Building have been available to Tigard residents and non-profit organizations, for most uses, with no rental fee. (Rental fees have been charged for events that were for-profit events.) Most Senior Center use has required rental payment. It is proposed that individuals and groups pay a rental fee whether they use the Senior Center or City conference rooms. The proposed hourly rates are as follows: Senior Center upstairs - \$15.00; Senior Center downstairs - \$10.00; Water Auditorium - \$12.00; Town Hall - \$10.00; and small conference rooms \$5.00. It is anticipated that these fees will offset the City's expenses for staff time, supplies, utilities and building maintenance.

Other monetary changes include the addition of a security alarm charge related to use of the Senior Center. If a user group fails to de-activate or re-activate the alarm system at the Senior Center, and a City employee is required to respond to the alarm, the user group will be charged. Again, this charge is to offset City expenses. Finally, the refundable security deposit in both policies has been standardized at \$100.00.

In the 2002 room use customer survey, user groups were asked if they would continue to use the City rooms if a nominal fee were charged. 64% indicated they would continue use, 11% indicated they might and 16% indicated they would not use the facilities. It is proposed that the policies and procedures become effective July 1, 2003. This will provide user groups, who choose not to continue using City rooms, an opportunity to find another meeting location.

The increased rental rates will be included in the master fee resolution being presented to City Council June 24, 2003 and, if Council adopts the resolution, the fees will go into effect July 1, 2003.

User groups will be notified of the policy updates via letter; with copies of the updated policies included. Additionally, the updates will be posted on the City's website and staff will notify potential user groups of the changes in policy at the time reservations are being discussed.

OTHER ALTERNATIVES CONSIDERED

Continue the program with the current policies, procedures and fees.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution

City of Tigard Meeting Room Use Policies and Rental Procedures

Tigard Senior Center Room Use Policies and Rental Procedures

FISCAL NOTES

No new costs are associated with updating the policies and procedures. It is anticipated the City will see an increase in revenue resulting from reservations of the Tigard Senior Center and City conference rooms.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION OF THE TIGARD CITY COUNCIL UPDATING POLICIES, PROCEDURES AND FEES FOR RESERVING THE TIGARD SENIOR CENTER, CITY HALL AND WATER BUILDING CONFERENCE ROOMS.

WHEREAS, the City of Tigard allows public use of the Tigard Senior Center, City Hall conference rooms and Water Building conference rooms; and

WHEREAS, it is necessary to establish clear policies and procedures to facilitate the reserving of rooms, and

WHEREAS, these uses of the Senior Center and the conference rooms result in additional costs to the City; and

WHEREAS, the City desires the program to cover these costs; and

WHEREAS, the policies, procedures, rental fees and deposits have not been updated since 1995.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION:1 The Tigard Senior Center Room Use Policies and Rental Procedures, shown as Exhibit A, is adopted.

SECTION:2 The City of Tigard Meeting Room Use Policies and Rental Procedures, shown as Exhibit B, is adopted.

SECTION 3: This resolution shall be effective on and after the first day of July, 2003.

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Tigard Senior Center Room Use

8815 SW O'Mara Street, Tigard

Policies and Rental Procedures

The Tigard Senior Center is available for reservation...

Friday: 5:30 p.m. to 10:00 p.m. and **Saturday/Sunday:** 8:00 a.m. to 10:00 p.m.

The minimum reservation period is two hours. Include time in your reservation request for both set-up and clean-up.

Making a Reservation:

- All reservations require submission of a *Tigard Senior Center Room Use Application*.
- To meet deposit and rental fee guidelines all reservations must be made at least ten (10) business days prior to the event.
- Reservation requests will be "tentatively" held for ten (10) business days from the date of the room use request. After the ten (10) day period, tentative reservations will be released and the room made available to others.
- To complete the reservation process, the application and rental fee must be submitted to the City within the ten (10) day tentative reservation period.
- A \$100.00 refundable security deposit is due ten (10) business days in advance of the rental date.
- Applicants must be 21 years of age or older.

Room Rental Fees:

The rental rates shown are hourly rates. Fees charged will be based on ½ hour increments. Please see the "Group Classifications" below to determine which fee category is applicable.

<i>Area</i>	<i>Capacity</i>	<i>Group 1</i>	<i>Group 2</i>	<i>Group 3</i>
Upstairs Activity Room	120	\$15.00	\$20.00	\$25.00
Downstairs Activity Room	75	\$10.00	\$15.00	\$20.00
Classroom (downstairs)	30	\$ 5.00	\$10.00	\$15.00
Craft Room (downstairs)	30	\$ 5.00	\$10.00	\$15.00

Group Classifications

Tigard Loaves and Fishes, City business and governmental agencies have priority room use. For the purpose of scheduling all other events and determining fees, groups will be classified as shown below:

Group 1: Tigard Residents and Non-profit Organizations

For purposes of determining group classification, a resident is defined as:

- An individual who resides or owns property within the city limits of Tigard;
- A business whose office is located within the city limits of Tigard and the business has paid their current business tax. Individuals who are employees of a business located within the city limits of Tigard, but do not reside or own property within the city limits, are not considered Tigard residents.

Group 2: Profit Events by Tigard Residents

A profit event is defined as one that promotes a for-profit business. A profit event may include an event in which an entrance fee is charged; or where merchandise is offered for sale; or where future business will be solicited by a speaker or through literature available at the meeting.

Group 3: General Public

Individuals and profit organizations located outside of the city limits of Tigard.

The City's goal is to allow as many different groups as possible an opportunity to use the facilities. One time room use may be reserved up to six months in advance of a function. Recurring room use may be reserved up to one month in advance.

Security Deposit:

A refundable security deposit of \$100.00 is required for all reservations. The deposit is due a minimum of ten (10) business days in advance of the rental date.

The security deposit may be refunded under the following conditions:

1. The security alarm system is de-activated and re-activated as indicated in the directions the City provides.
2. The facility is clean and in good condition and the following has been done:
 - a. linoleum covered floors swept and stains damp mopped;
 - b. carpeted areas vacuumed;
 - c. sinks and counter tops cleaned;
 - d. all waste emptied into garbage containers; and
 - e. tables and chairs cleaned and returned to the original set up.

The City is unable to furnish cleaning supplies, mops, brooms or vacuum cleaners. Please plan to bring your own.

3. The facility is left undamaged.
4. The building is secured and the key and *Checklist for Meeting Room Users* are turned in to the Police Department by the ending time indicated on the room user's room use application.

The room user may also be liable for:

1. Repair or replacement of equipment or facilities damaged due to neglect, vandalism, or misuse.
2. Replacement of locks and keys, in the event keys are not returned.
3. Additional expenses incurred by the City to clean room(s) if not left in the same condition as found. (May include shampooing carpets.)

The Administrative Services Manager will determine the amount of the security deposit to be refunded based on the applicant's checklist, input from the City's maintenance department and input from Senior Center personnel. If any of the deposit is kept by the City, a listing of how the deposit was applied will be provided to the room user. Deposits will be refunded within three weeks of the event or within three weeks of cleaning or repairs being completed.

Security Alarm Fee:

The City will provide directions on how to disarm the alarm system when entering the building and how to reset the alarm when exiting the building. If the security alarm is activated by a room user, and a city employee is required to respond to the alarm, the following sanctions will be imposed:

- First time call-out: \$50.00 charge.
- Second call-out within a one-year period: \$75.00 charge.
- Third call-out within a one-year period: \$75.00 charge and suspension of room use privileges for three months.

Miscellaneous Guidelines:

1. The person signing the room use application is required to be present at the event and is responsible for the group's activities. The City requests that a second adult also be authorized, in the room use application, to pick-up the building key from the Police Department.
2. Functions must not violate City of Tigard ordinances or state statute.
3. Activities must not be disruptive to others present in the building or the neighboring homes.
4. Amplified sound systems are permitted, but at no time can the decibel level exceed that which can be heard beyond the room being used.
5. Smoking is prohibited in the Senior Center.
6. Decorations may be attached to walls and fixtures with masking tape.
7. Use of the telephone, typewriter, copy machine, or any Senior Center equipment is not allowed.

Refreshments:

Prepared refreshments are allowed. When the Upstairs Activity room is reserved, the warming oven in the kitchen may be used. However, because of liability issues, the stove/oven may not be used for cooking. The coffee machine and refrigerator located in the Upstairs Activity room may also be used when you reserve the Upstairs Activity room. If you choose to use the coffee machine you must provide the coffee and all other needed supplies.

Alcohol:

Alcohol may be permitted at an event with the written authorization of the City and in accordance with state statutes and City guidelines. To request authorization, submit the City's *Application for Alcohol Permit*. The City requires a \$1,000,000 (one million) host liquor liability insurance endorsement, naming the City of Tigard as an additional insured, be submitted with the application.

City Liability:

All groups or individuals using City meeting rooms agree to take appropriate measures to protect, indemnify, and defend the City, its elected and appointed officials and all employees against any and all claims as a result of persons attending any function at the facility. This provision includes any expenses incurred by the City defending any such claim. The City, its elected and appointed officials and all employees will not be held responsible for any lost or stolen articles as a result of persons attending any function in the building.

Cancellations:

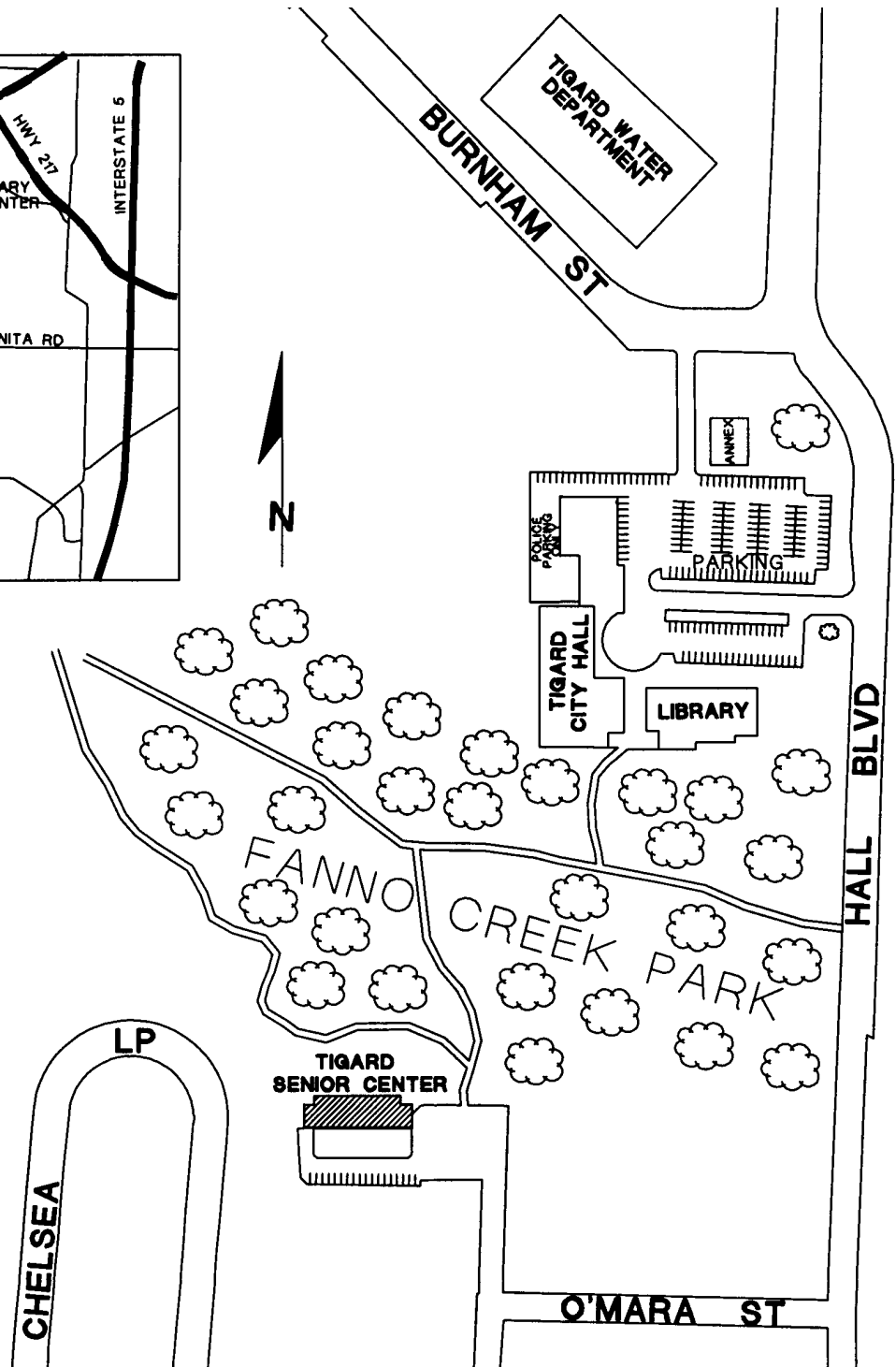
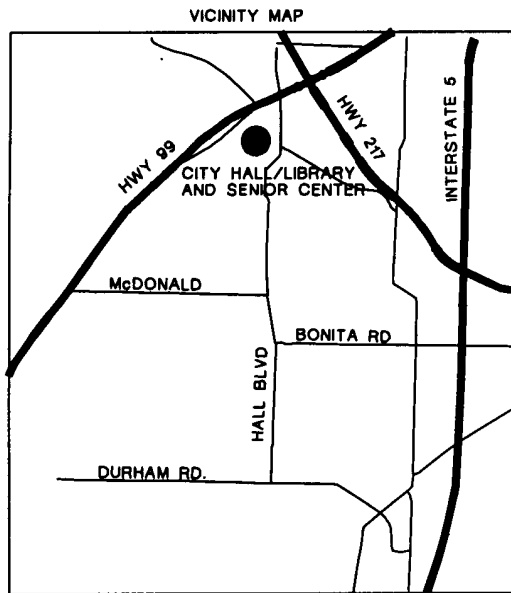
Please submit cancellations, in writing, no less than 48 hours prior to the scheduled event. A \$10.00 service charge will be retained for each cancellation.

All efforts will be made to keep the room schedule intact; however, the City retains the right to cancel or relocate a function upon fourteen days notice.

Submitting an Application:

The application, room rental fee, and security deposit may be mailed or delivered to the City of Tigard, 13125 SW Hall Blvd., Tigard, OR 97223. Payment of the rental fee and security deposit may be made by cash, check, Visa or MasterCard. Visa and MasterCard payments are accepted at the City Hall counter or in writing by submitting the City's *Credit Card Authorization* form.

If you have any questions, please contact the Room Reservation Coordinator at 503-639-4171.



City of Tigard Meeting Room Use

Policies and Rental Procedures

Conference rooms in the Tigard City Hall and the Water Building are available for reservation Monday through Sunday, 8:00 a.m. to 10:00 p.m. Please contact the Room Reservation Coordinator at 503-639-4171 to check room availability.

Making a Reservation:

- All reservations require submission of a *City of Tigard Room Use Application*.
- To meet deposit and rental fee guidelines all reservations must be made at least ten (10) business days prior to the event.
- Reservation requests will be "tentatively" held for ten (10) business days from the date of the room use request. After the ten (10) day period, tentative reservations will be released and the room made available to others.
- To complete the reservation process, the application and rental fee must be submitted to the City within the ten (10) day tentative reservation period.
- If required, the \$100.00 refundable security deposit is due ten (10) business days in advance of the rental date.
- Applicants must be 21 years of age or older.

Room Rental Fees:

The rental rates shown are hourly rates. Fees charged will be based on ½ hour increments. The minimum reservation period is two hours. Include time in your reservation request for both set-up and clean-up. Please see the "Group Classifications" below to determine which fee category is applicable.

Area	Capacity	Group 1	Group 2	Group 3
Town Hall Room	90	\$10.00	\$15.00	\$20.00
Red Rock Creek Conference Room	20	\$5.00	\$10.00	\$15.00
Richard M. (Dick) Brown Auditorium	150	\$12.00	\$17.00	\$22.00
Water Conference Room	12	\$ 5.00	\$10.00	\$15.00

Group Classifications

City business and other governmental agencies have priority room use. For the purpose of scheduling all other events and determining fees, groups will be classified as shown below:

Group 1: Tigard Residents and Non-profit Organizations

For purposes of determining group classification, a resident is defined as:

- An individual who resides or owns property within the city limits of Tigard;
- A business whose office is located within the city limits of Tigard and the business has paid their current business tax. Individuals who are employees of a business located within the city limits of Tigard, but do not reside or own property within the city limits, are not considered Tigard residents.
- Resident status is extended to those served by the Tigard Water Department for the purposes of reserving the Richard M. (Dick) Brown Auditorium and the Water Conference Room.

Group 2: Profit Events by Tigard Residents

A profit event is defined as one that promotes a for-profit business. A profit event may include an event in which an entrance fee is charged; or where merchandise is offered for sale; or where future business will be solicited by a speaker or through literature available at the meeting.

Group 3: General Public

Individuals and profit organizations located outside of the city limits of Tigard.

The City's goal is to allow as many different groups as possible an opportunity to use the facilities. One time room use may be reserved up to six months in advance of a function. Recurring room use may be reserved up to one month in advance.

Security Deposit:

A refundable security deposit of \$100.00 is required for parties, receptions and potlucks. The deposit is not required when light refreshments will be served at a meeting. The deposit is due a minimum of ten (10) business days in advance of the rental date.

The security deposit may be refunded under the following conditions:

1. The room, including carpet or linoleum, is left clean and the furniture is in the original configuration;
2. The room is left undamaged;
3. The room is vacated at the scheduled time and all doors to the room are locked; and
4. The key and "Checklist for Meeting Room Users" are turned in at the Police Department.

The City is unable to furnish cleaning supplies, mops, brooms or vacuum cleaners; therefore, you will need to bring your own. Trash that does not fit in the cans provided will need to be taken with you.

The room user may also be liable for:

1. Repair or replacement of equipment or facilities damaged due to neglect, vandalism, or misuse.
2. Replacement of locks and keys, in the event keys are not returned.
3. Additional expenses incurred by the City to clean room(s) if not left in the same condition as found.

The Administrative Services Manager will determine the amount of the security deposit to be refunded based on the applicant's checklist and input from the City's maintenance department. If any of the deposit is kept by the City, a listing of how the deposit was applied will be provided to the room user. Deposits will be refunded within three weeks of the event or within three weeks of cleaning or repairs being completed.

General Information:

1. **Activities must not be disruptive to others present in the building.** City staff cannot provide supplies or office support. Office equipment and supplies, including telephones, copy machines, typewriters, coffee makers, and supplies, are not available to room users.
2. The room key must be picked up at the Police Records window. Police Staff can release the key no more than 15 minutes prior to the reservation time. The key must be returned no later than the reservation end time.
3. The reservation is only for the approved room. This does not include additional areas, i.e. lobby, parking lot, adjoining rooms, etc.
4. Parking is allowed only in designated parking areas. If additional parking is needed please use the parking lot located at the corner of Hall Blvd. and Burnham Road. The lot is accessible from Burnham Road.
5. Tables and chairs are supplied. A public telephone is located in the Police Department lobby.
6. The person responsible for the group should make the reservation and be in attendance at the function.
7. Functions occurring in rooms must not violate any City of Tigard ordinances or state statutes.
8. Smoking is prohibited in any location inside the building.
9. Alcohol is not permitted in or on the premises of the City buildings.
10. Failure to follow these *Policies and Procedures* may result in room use privileges being suspended.

City Liability:

All groups or individuals using City meeting rooms agree to take appropriate measures to protect, indemnify, and defend the City, its elected and appointed officials and all employees against any and all claims as a result of persons attending any function at the facility. This provision includes any expenses incurred by the City defending any such claim. The City, its elected and appointed officials and all employees will not be held responsible for any lost or stolen articles as a result of persons attending any function in the building.

Cancellations:

Please submit cancellations, in writing, no less than 48 hours prior to the scheduled event. A \$10.00 service charge will be retained for each cancellation.

All efforts will be made to keep approved room reservations intact; however, the City retains the right to relocate or cancel a function if necessary.

Submitting an Application:

The application, room rental fee, and security deposit may be mailed or delivered to the City of Tigard, 13125 SW Hall Blvd., Tigard, OR 97223. Payment of the rental fee and security deposit may be made by cash, check, Visa or MasterCard. Visa and MasterCard payments are accepted at the City Hall counter or in writing by submitting the City's *Credit Card Authorization* form. If you have any questions, please contact the Room Reservation Coordinator at 503-639-4171.

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Revision to Washington County Interagency Narcotics Team Intergovernmental Agreement

PREPARED BY: William M. Dickinson DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

The issue before the Council is to approve revisions to the Intergovernmental Agreement regarding the Tigard Police Department participation on the Washington County Interagency Narcotics Team.

STAFF RECOMMENDATION

Staff recommends approval of the revisions to the Intergovernmental Agreement.

INFORMATION SUMMARY

This Intergovernmental Agreement was approved by City Council on February 11, 2003. Subsequently, two additions and one deletion were made as follows:

On page one, the following language was added: *...and is made under the authority and in consideration of the provisions of ORS 190.003 to 190.110.* The other additional language to this page is: *1.1 Authority for this Agreement is specifically found in ORS 190.010 (1), (2), (3), (4) and (6)...* These changes are necessary to show the ORS provisions under which there is authority to enter into this agreement by the four government agencies.

On page five, the following italicized language was deleted from Section 7 WIN FUNDING: *7.3 ...operating expenses including, but not limited to, office space rental, supplies...*

OTHER ALTERNATIVES CONSIDERED

No alternatives suggested.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This area is specifically addressed in our direction statement for the Public Safety Visioning Plan for the Police Department.

ATTACHMENT LIST

Attached is the Washington County Interagency Narcotics Team (WIN) Intergovernmental Agreement with changes highlighted.

FISCAL NOTES

The revisions to the Intergovernmental Agreement will have no fiscal impact.

WIN INTERGOVERNMENTAL AGREEMENT

Washington County,
An Oregon County;

The City of Beaverton,
An Oregon municipal corporation;

The City of Hillsboro,
An Oregon municipal corporation;

and

The City of Tigard,
An Oregon municipal corporation.

*Revised
Agreement*

Together with such other entities as may hereafter become
parties as provided in Article 10 hereof.

This Agreement is made for the purpose of securing to each party the benefits of mutual assistance in addressing common problems and goals specifically related to the enforcement of state and federal drug laws, [and is made under the authority and in consideration of the provisions of ORS 190.003 to 190.110]

Terms and Conditions:

[] = new wording

1. **DECLARATIONS.** This Agreement creates an interagency cooperative team for the purpose of sharing information and jointly managing resources for the enforcement of laws concerning trafficking in controlled substances. To that end the parties declare that:

1.1. [Authority for this Agreement is specifically found in ORS 190.010 (1), (2), (3), (4) and (6),]

1.2. This Agreement does not create a separate intergovernmental entity;

1.3. Each party's participation herein is as an equal, and shall depend on separate adoption and administration of policies and procedures consistent with continued cooperation hereunder; and

1.4. The User Board herein created is not a governing body, but is a forum to promote the cooperation and coordination of drug law enforcement in and around Washington County, to resolve potential conflicts and to recommend appropriate operational procedures to the several participating agencies.

[] = new wording

2. GOALS. The Westside Interagency Narcotics Team (WIN or WIN Team) shall have as its overall goals:

- 2.1. To detect and apprehend drug manufacturers and traffickers;
- 2.2. To gather and disseminate narcotics and related intelligence information within the participating entities and among other criminal justice agencies affected by that information; and
- 2.3. To enhance and maintain an effective spirit of continuing cooperative efforts among the area criminal justice agencies.

3. OBJECTIVES. WIN shall pursue the following objectives toward achieving its goals:

- 3.1. Identify and apprehend individuals responsible for significant criminal drug activity;
- 3.2. Suppress patterns of major criminal drug activity within the Washington County area;
- 3.3. Enhance cooperation among police and prosecuting agencies within the Portland metropolitan region;
- 3.4. Enhance the coordination of effort and resources of the participating criminal justice agencies; and
- 3.5. Establish a central collection point for information relating to criminal drug activity within the region, available to all law enforcement agencies in Washington County.

4. COOPERATION. Each participating agency assumes an obligation of good faith cooperation to provide all reasonable assistance and resources to and with other participating agencies in implementing the purposes of the Agreement.

5. STRUCTURE.

- 5.1 The administrators of each participating entity must respond to their respective governing bodies. To assure the activities of WIN are responsive to the individual governing bodies of the participating agencies, the parties hereby create the WIN User Board ("the Board"). The Board shall consist of the chief administrator of the law enforcement department of each participant, or the designee of such administrator in that administrator's absence. The Board shall meet at least monthly, and at any time upon request of a participating agency. Each Board member

shall have equal voice in the conduct of the Board's business. A quorum is not required for the Board to conduct its business.

- 5.2 There shall be a Chair of the Board (WIN Chair). The WIN Chair must be a department head from a participating agency that has assigned a full-time investigator to WIN. The Chair shall serve for a term of one calendar year. Board members shall select the Chair by a majority vote of those Board members in attendance at the Board's last meeting before the start of a new calendar year.
- 5.3 The Board shall coordinate development of operational procedures applicable to WIN. The Board may not make policy or administrative decisions, but may provide a forum for the discussion of such issues for benefit of the individual Board members. The individual Board members may independently make recommendations to their respective governing bodies on policy or administration that affect WIN. A policy or administrative recommendation of a Board member concerning WIN is not binding upon the Board member's participating agency.
- 5.4 The Board shall designate one Administrator (WIN Administrator). The WIN Administrator shall be a managerial member of a participating agency, but need not be assigned full-time to WIN. The WIN Administrator shall have the following responsibilities:
 - 5.4.1 Attend and participate in the discussions of the Board;
 - 5.4.2 Establish WIN operational procedures consistent with the direction of the Board and the policies and procedures of each participating agency;
 - 5.4.3 Establish WIN operational priorities;
 - 5.4.4 Evaluate WIN activities and WIN Team Members;
 - 5.4.5 Prepare long-range plans and budget recommendations for the Board's consideration;
 - 5.4.6 Allocate budgeted resources to accommodate personnel, equipment and WIN activities; and
 - 5.4.7 Report to the Board on WIN activities and management functions as outlined above in this section 5.4.
- 5.5 The Board shall designate at least one Supervisor (WIN Supervisor). A person designated a WIN Supervisor shall be a supervisory member of a participating agency and shall be assigned full-time to WIN. The

supervisor's responsibilities shall be outlined in the operational procedures and shall include, but not be limited to, the following:

5.5.1 Plan and manage operational activities of WIN.

5.5.2 Direct the day-to-day activities of WIN, including:

5.5.2.1 Assign investigations and other tasks to WIN Team Members (A "WIN Team Member" is a law enforcement officer assigned by the officer's employing agency to WIN.);

5.5.2.2 Schedule WIN Team Members, including scheduling that may result in overtime eligibility under the applicable personnel rules and collective bargaining agreements of participating agencies;

5.5.2.3 Review and approve investigative reports;

5.5.2.4 Monitor personnel performance and make appropriate recommendations to the WIN Team Member, WIN Administrator or WIN Team Member's agency supervisor; and

5.5.2.5 Serve as a liaison with other law enforcement agencies concerning WIN.

5.5.3 WIN Team Members shall be subject to the internal policies and procedures of their own departments with respect to personnel administration, payroll reporting, overtime eligibility, off-duty conduct, discipline, internal affairs reporting, mandatory training and other like administrative matters not directly related to WIN operations.

5.5.4 The WIN Chair, WIN Administrator, and WIN Supervisor shall have no authority to discipline any WIN Team Member from an agency other than their own. The WIN Chair, Administrator and Supervisor shall follow the disciplinary policies and procedures of their own agencies with respect to WIN Team Members from their own agency.

5.5.5 The WIN Administrator may summarily remove any WIN Team Member from active participation in WIN operations. Such removal is not discipline, but is an operational authority necessary to the effective and cooperative functioning of WIN. In such event, the WIN Administrator shall promptly notify the chief

administrative officer of the participating agency that employs the removed WIN member. When reasonably practicable, the WIN Administrator shall confer with the affected WIN member's chief administrative officer before removing the member from active participation in WIN operations.

6. WIN EVIDENCE HANDLING. Evidence and seized property shall be handled through a mutually agreed upon participating agency. All reports shall be maintained by the mutually agreed upon agency under its policies and procedures. This provision does not apply to cases in which WIN serves in an advisory capacity to another law enforcement agency.

7. WIN FUNDING.

7.1 All personnel costs, including wages and benefits, and incidental items of personal equipment, shall be the responsibility of the participating agency assigning a person to the team.

7.2 Any participating agency may assign to its participating WIN Team Members such capital equipment, for such times and under such restrictions, as it deems appropriate. Such equipment shall not be considered assets of WIN, and are not subject to distribution as provided in Paragraph 16 hereof.

Removed "office
Space rental"

7.3 WIN operations may involve certain operating expenses including, but not limited to, supplies and consumables, "buy money," and informant compensation. The Board shall annually, at a time consistent with the requirements of the various participating agency's budgeting process, meet and confer regarding projected operational expenses for the ensuing fiscal year. Board members shall attempt to reach a consensus regarding projected operational expenses for the ensuing fiscal year, but in case of impasse, the estimation of a majority of the Board shall be considered the best estimate of projected operational expenses for the ensuing fiscal year.

7.4 The Chief Administrative Officer of each participating agency shall be notified of the Board's best estimate of projected operational expenses for the ensuing fiscal year. The Chief Administrative Officer shall consider the estimate in preparing and recommending to the agency's governing body that agency's future budget. The respective fractional share of the projected operational expense for each participating agency shall be equal to the ratio of that agency's assigned WIN Team Members to the total number of WIN Team Members. In making this calculation, the number of WIN Team Members shall be the average number of WIN Team Members per month since the beginning of the current fiscal year, and the number of an agency's WIN team members shall be the average number of WIN Team Members from the agency over the same period of time. The

amount determined under this section 7 is a suggested budgetary amount, not a mandatory amount.

- 7.5 If a participating agency is unable to appropriate its full share of WIN operational expenses, the agency shall be deemed to have failed to cooperate as required by section 4 of this Agreement. Breach of this Agreement by a failure to cooperate for reasons of an agency's non-appropriation or substantial under-appropriation of funds for the operation of WIN shall be grounds for the removal of the uncooperative agency from WIN.
- 7.6 The Washington County Finance Department shall serve as Fiscal Agent for the purposes of this Agreement.
- 7.7 The WIN Administrator shall ensure that an audit is conducted at least annually on the expenditure of confidential funds and the record keeping of the WIN Team, to assure that accounting and expenditures are in accordance with legal and contractual obligations, and to assure that receipts and disbursements are documented and accounted for in accordance with generally acceptable accounting practices for government agencies.

8. RISK ALLOCATION. Each party shall be independently and severally liable for the acts, errors and omissions of its employees and officers, and there shall be no right of indemnity between the parties, but they shall be entitled to assert rights to contribution under ORS 18.430 to 18.460.

9. EMPLOYEE COMPENSATION AND BENEFITS. Each party shall be solely responsible for providing compensation to its employees, payment of employment-related taxes and insurance, and for provision of mandated and contracted benefits, to the same extent as though the employee was not assigned to WIN. Each party shall be responsible for satisfying Workers Compensation requirements for its own employees.

10. ADDITION OF OTHER ENTITIES. Any other law enforcement agency with jurisdiction in Washington County may, with approval of a majority of the Board, become party to this Agreement upon providing to the WIN Administrator a written, unconditional acceptance of all of the provisions of this agreement in the form set forth as Appendix 1. Upon addition of another entity under this Article 10, the WIN Administrator shall promptly notify all other parties. Each such new entity shall have full rights of participation on the User Board from and after the date on which its written acceptance of this Agreement is filed with the WIN Administrator.

11. TERM OF AGREEMENT. This Agreement shall be perpetual, until terminated as provided in Article 16.

12. NOTICES. Any notice required by or relating to this Agreement by one party to another shall be sufficient if given in writing by regular mail or personal delivery addressed to the chief law enforcement officer of the party to be notified by the chief law enforcement officer of the party giving the notice.

13. AMENDMENT. This Agreement may be amended by the mutual written agreement of the parties, signed by the duly authorized representative of each. Each party may have and shall follow its own applicable procedures and prerequisites as set forth in its charter, controlling statute, ordinance, rule, regulation, custom or usage with respect to amendment of agreements. Signature on behalf of a party is a representation by the party that all such procedures and prerequisites have been met, and that the person signing is duly authorized to act on behalf of the party.

14. WAIVER. No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provisions hereof (whether or not similar), nor shall such waiver constitute a continuing waiver. Except as specifically provided herein, no failure to exercise or any delay in exercising any right or remedy hereunder shall constitute a waiver thereof.

15. SEVERABILITY. If any provision, or portions thereof, of this Agreement is held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provision shall remain enforceable to the fullest extent permitted by law. Furthermore, to the fullest extent possible, the provisions of this Agreement (including, without limitation, each portion of this Agreement containing any provision held to be invalid, void, or otherwise unenforceable, that is not itself invalid, void, or unenforceable) shall be construed so as to give effect to the intent manifested by the provision held invalid, void, or unenforceable.

16. TERMINATION. Any party to this Agreement may withdraw at any time by giving all other parties 30 days prior notice in writing of its intention to do so. In the event of such withdrawal this Agreement shall remain in full force and effect as to all remaining parties. In the event the team is disbanded, or a participating agency withdraws, the Board shall determine by majority vote of the affected agencies the disposition of equipment and moneys derived from WIN activities and not previously distributed to participating entities. Withdrawal of a party to this Agreement constitutes a release of any and all claim of right, title and interest in and to any and all assets acquired with WIN funds, and any and all assets acquired with proceeds of civil forfeitures generated by WIN activities, save and except for any equipment and moneys distributed as provided in this paragraph.

WITNESS: The parties have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below, and by those signatures each party represents that this Agreement has been authorized according to applicable Oregon law, and its charter, ordinances and regulations.

WASHINGTON COUNTY, OREGON

CITY OF BEAVERTON, OREGON

By: Tom Brian
Chair, Board of Commissioners

By: [Signature]
Mayor

Date: 1-21-03

Date: 1/28/03

Attest: Barbara Heitmanek
Clerk of the Board

Approved as to form:

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER# 03-25
[seal]
DATE 1-21-03

[Signature]
City Attorney

Approved:

Approved:

[Signature]
Sheriff

[Signature]
Chief of Police

Approved as to form:

[Signature]
Asst. County Counsel

CITY OF HILLSBORO, OREGON

By: *Tom Hughes*
Mayor

Date: 03/04/23

Attest: *Jill Walsh*

Approved as to form:

City Attorney

Approved:

David J. Smith
Chief of Police

CITY OF TIGARD, OREGON

By: _____
Mayor

Date: _____

City Recorder

Approved as to form:

City Attorney

Approved:

Chief of Police

AGENDA ITEM # _____
FOR AGENDA OF _____

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of FY **2002** State Domestic Preparedness Equipment Grant

PREPARED BY: Ofc. Dennis J. Dirren DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

This is a presentation of the FY **2002** Domestic Preparedness Equipment Grant application for approval per City of Tigard's Grant Writing Policy. This grant has been compiled and will be submitted to the State of Oregon to receive federal funding earmarked for HAZMAT/Weapons of Mass Destruction/Terrorist response & preparedness.

STAFF RECOMMENDATION

The Tigard Police Department respectfully requests that this grant application be approved so that submission to the granter (State of Oregon) can take place on or before June 13th, 2003.

INFORMATION SUMMARY

As you may recall, our application for the FY **2003** Domestic Preparedness Grant was submitted for Council approval last month. This current application is similar, however is earmarked for FY 2002 and is due by June 13th, 2003.

Attached is a draft copy of the grant application. This grant allows agencies to request funding for proper HAZMAT/WMD/terrorist response & preparedness equipment so that officers will be able to more effectively, and safely respond to any such incident. Items requested by Tigard Police Department are included in the Washington County Needs Assessment that has been compiled by the Oregon Office of Emergency Management. The funding request is also consistent with a coordinated statewide needs assessment, and therefore multi-agency response is possible. Items requested in this grant round include Automatic External Defibrillators (AED's), a video forensics system, and a radiological detection device.

Complete details regarding equipment requested and justification are included within the grant narrative.

OTHER ALTERNATIVES CONSIDERED

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

ATTACHMENT LIST

1. Grant Program Narrative (DRAFT)

FISCAL NOTES

Total federal funds requested = \$106,156.00. There is no local match required for this grant. Detailed listing of budgeted items to purchase is included within the attached grant narrative.

**FY 2002
STATE DOMESTIC PREPAREDNESS EQUIPMENT GRANT
COVER SHEET**

Program Title: FY 2002 Domestic Preparedness Equipment Grant

Grantee Agency: Tigard Police Department

Collaborating Agencies: None (Needs Assessment via Washington County)

Federal Funds Requested: \$106,156.00

Program Start Date: August 1, 2003

Program End Date: June 30, 2004

Program Agency: Tigard Police Department
13125 SW Hall Blvd
Tigard, OR 97223

(503) 639-6168

Program Director: Chief Bill Dickinson / ChiefBill@ci.tigard.or.us
(503) 718-2572 office / (503) 670-1561 fax

Program Contact: Officer Dennis Dirren / 28944@ci.tigard.or.us
(503) 718-2556 office / (503) 684-5654 fax

Fiscal Contact: Roger Dawes / Roger@ci.tigard.or.us
(503) 718-2493 office

Program Agency Federal
Tax Identification Number: 93-0503940

Authorized Official for the
Program Agency: Bill Monahan, City Manager

Signature of
Authorized Official:

DRAFT

Program Narrative Section

Part One: Coordination with Statewide Needs Assessment

Washington County's terrorism needs assessment was completed by a multi agency, multi discipline team of public safety and public health personnel and was reviewed by the county's Anti-Terrorism Advisory Committee and public safety agency heads. The team, or elements of the team, met over the course of a year to identify the county's threats and vulnerabilities, assess its public health preparedness, and determine its first responder equipment, training, exercise, and technical assistance needs. The results of the team's efforts were submitted to the state Office of Emergency Management for entry into the statewide needs assessment database.

Several members of the county team were also participants in development of the Portland Metropolitan Medical Response System (MMRS) Plan and one member of the team represented Regional HAZMAT Team number 9. Together, these members provided critical input into the county's needs assessment process. More importantly, they ensured consistency between the county's needs assessment and the weapons of mass destruction (WMD) equipment standards and response protocols being adopted by the regional HAZMAT teams and the MMRS.

The original team members were joined by hospital, technical rescue, and public safety communications representatives to complete the FY02-03 update of the needs assessment. The team make-up was expanded to include participation from organizations and disciplines that became eligible for grant funding under the federal FY02 or FY03 grant programs. Several of the new team members provided critical linkages between the Washington County effort and other regional and statewide initiatives. For example, several of the hospital representatives also

participated in the development of hospital equipment standards with the Portland Metropolitan Hospital Emergency Management Committee and the technical rescue representatives also chaired a task force working to create a statewide technical rescue capability. The teams' public safety communications representatives were also involved in regional communications planning efforts with the 9-1-1 centers in Multnomah, Clackamas, and Clark Counties.

As a team, this group reviewed and updated the original needs assessment and developed countywide standards for the newly eligible equipment. The process was expedited to ensure completion of the needs assessment in time for local agencies to use it as a basis for seeking funds under both the FY 02 and FY 03 grant programs.

Taken in total, the Washington County terrorism needs assessment reflects a coordinated and integrated local and regional approach to WMD response. All public safety and public health agencies as well as public and private hospitals must be involved and all must operate in new and more challenging ways than has been expected in past emergency response operations. While reflecting an integrated response, the needs assessment nonetheless identifies a number of gaps in the ability of the county's first responders to perform specific WMD operations. These gaps include:

- Personal protective equipment (PPE) for designated law enforcement, fire, public health, public works, and hospital personnel;
- Communications equipment to enhance interoperability and support system and individual needs;
- Chemical, biological, and radiological detection equipment for all agencies;
- Mass decontamination equipment for all agencies;

- Self decontamination supplies (i.e., auto injectors) for personnel exposed to certain chemical agents;
- Search and rescue equipment and supplies for the county's fire service agencies;
- Bomb diagnostics and mitigation equipment for law enforcement agencies;
- Vehicles and trailers to store and transport WMD equipment and supplies and to provide suitable facilities for on-scene incident management;
- Medical supplies and pharmaceuticals for local hospitals;
- Security enhancement equipment for the county's critical facilities;
- Terrorism incident prevention equipment for the county's law enforcement agencies;
- Logistics support equipment to assist all eligible organizations with conduct of their identified WMD responsibilities; and
- Reference materials to enhance first responder effectiveness.

The Washington County terrorism needs assessment outlines a countywide approach to closing these gaps through the following actions:

- Provision of appropriate PPE to designated first responders and hospital personnel to deal with likely chemical, biological, radiological, and explosive incidents within the county;
- Provision of individual radiological dosimeters to appropriate first responders and hospital personnel and placement of dosimeter chargers at all of the county's first response agencies and hospitals;
- Placement (pre-positioning) of mass and self decontamination equipment and supplies and chemical, biological, and radiological detection equipment at fire agencies and hospitals throughout the county;
- Expanding the reach, survivability, and capacity of the public safety communications system;

- Enhancing the communications capabilities of the county's hospitals;
- Placement (pre-positioning) of search and rescue equipment and supplies at fire agencies throughout the county;
- Placement of bomb diagnostics and mitigation tools at law enforcement agencies throughout the county;
- Stockpiling of medical supplies and pharmaceuticals at county hospitals;
- Hardening of critical facility security systems;
- Ensuring the mobility of all stockpiled supplies for mutual aid response; and
- Improving the incident management skills and capabilities of the county's first response and hospital personnel.

To meet one of the needs outlined in the countywide needs assessment, the Tigard Police Department is requesting funding to purchase radiological detection equipment, security enhancement equipment (forensic video assessment system), and automatic external defibrillators (AED).

Part Two: Identification of Equipment Needs

A. Briefly identify the equipment and/or supplies being requested and identify the specific staff/position, function, or facility within your agency that will receive the equipment and/or supplies.

Equipment requested	Staff/Position	Function/Facility
Detection Equipment (1) Radiation Alert Monitor	Dennis who will have the responsibility for this equipment?	The Radiation Alert Monitor will aid the Tigard Police Department with the detection of alpha, beta, gamma, and x-rays.
Physical Security Enhancement Equipment – Surveillance, Warning, Access/Intrusion Control	Dennis who will have the responsibility for this equipment?	This equipment will aid the Tigard Police Department with the identification of persons who commit crimes or threaten Homeland Security. The system is also designed to provide this agency with computer-based analysis tools to package the evidence as presentations for court. The ability to successfully prosecute will be

(1)AVID Forensic Video Assessment System w/ software		significantly enhanced.
Medical Supplies & Pharmaceuticals (30) Medtronic Automatic External Defibrillators (AED)	This equipment will be available in all the patrol vehicles as well as the detective's vehicles. All officers will be trained in the proper use of this equipment.	This equipment will assist the Tigard Police Department increase the survival rate of individuals that suffer sudden cardiac arrest.

B. Provide a brief justification for the equipment/supplies being requested. Include information regarding agency needs and gaps with respect to equipment, training, exercises, and technical assistance.

AVID Forensic Video Assessment System w/software

The Tigard Police Department is seeking funding to purchase an AVID/Ocean Systems “dTective” forensic video analysis system. The fear of terrorism, coupled with our state’s Homeland Defense initiatives, has spawned the proliferation of surveillance cameras used to protect public buildings, our transportation infrastructure and other public resources. As a result, it is estimated that the average person is now captured on videotape countless times each day. These videotapes provide a rich source of information and evidence concerning criminal cases, and often offer our first line of defense in our fight against terrorism. Among the most compelling sources of evidence helping to provide an early identification of the 9/11 hijackers, were the images of Mohamed Atta as he traveled through the Portland, Maine, airport on the morning of September 11, 2001; images processed and analyzed by the “dTective” system our agency is attempting to purchase.

It is the goal of this agency, as a first responder, to implement a program designed to respond appropriately to incidents of terrorism or threats of terrorism that may have been

captured on videotape, and to prevent acts of terrorism by providing timely and accurate analysis of videotaped images that contain suspicious activity.

In addition to visual security systems guarding the state's physical infrastructures, police departments are arming their vehicles with on-board video cameras. The resulting videotapes provide a lasting record of vehicle stops and could provide historical intelligence relating to terrorist events when a suspect is later identified. The International Association of Chief's of Police is currently evaluating in-car camera systems and is expected to recommend agencies must also employ video assessment tools in order to obtain the full value from the video evidence.

The Tigard Police Department is part of a suburb that borders on the southwest of the state's largest populated city: Portland. Approximately 45,000 people live in the City of Tigard, however because of a large commercial and corporate base, the population increases almost twofold during business hours. Tigard has several areas, which could be considered in today's heightened sense of security as "vulnerable soft-targets." Washington Square Mall is the largest indoor shopping mall on the west side of Portland and includes a public transportation transit center. Tigard is also the home to FLIR Systems Incorporated, which is a known military contractor for infra-red tracking and weapon targeting systems used on military jets and helicopters. Anti-war protestors have targeted this company in the past and hand-held video cameras were used to identify potential lawbreakers during their demonstrations. Additionally, the city contains an Army National Guard Armory, which for obvious reasons may be targeted on a terrorist level. All of these locations and infrastructure, and more not listed, are covered by video surveillance and would benefit by the use of a forensic video analysis system.

The Tigard Police Department's current ability to process and analyze videotaped evidence is not consistent with the requirements needed to meet Oregon's goals for its Homeland Security Strategy. As more video cameras are installed in public buildings, transportation systems and even in private businesses, the demand on the Tigard Police Department to provide adequate and professional examination of the video evidence will continue to increase. Due to our currently limited tools, some investigators are forced to use non-law enforcement resources to examine video images. These resources often include the actual businesses where the event was recorded, a commercial television station or a community college. These venues are not conducive to the confidential nature of an investigation, especially one with possible terrorist implications. Furthermore, these resources do not employ forensically competent video assessment systems, often resulting in the loss of potentially significant evidence.

Many problems arise with video images that come from such diverse locations. Often the images, either analog or digital, are unclear, dark or otherwise provide unidentifiable pictures. The use of specific tools designed specifically for forensic video analysis is imperative to achieve a reliable outcome. Rather than purchasing a host of systems to ensure compatibility with the majority of camera recorders in our community, "dTective" provides advanced forensic video assessment tools that work with all visual security systems.

Radiation Alert Monitor

The purchase of the hand held Radiation Alert Monitor will aid the Tigard Police Department with the detection of alpha, beta, gamma, and x-rays. This equipment will assist police officers with the safe extraction of victims during a radiological emergency.

Medtronic Automatic External Defibrillators (AED)

The Tigard Police Department plans to place an AED in each of the patrol cars. The placement of AEDs in the hands of large numbers of people trained in their use may be the key intervention to increase the survival chances of out-of-hospital cardiac arrest patients.

Without warning, sudden cardiac arrest (SCA) can afflict anyone, anytime. SCA kills 350,000 people in the U.S. alone each year. The evidence is well defined that the chance of surviving a cardiac arrest declines by approximately 10 percent for each minute without defibrillation. Beyond 12 minutes, the chance of survival is two percent and five percent.

Part Three: Identification of Current Capabilities

A. Equipment and supplies the agency has already acquired to respond to a WMD incident.

The Tigard Police Department does not currently own any WMD incident equipment. With the purchase of this equipment the department will greatly increase officers' safety and protection, increase the safe extraction of victims during an emergency and bolster local and regional responses.

B. Training agency personnel has received to respond to a WMD event. Be specific as to the type of training and the approximate number (or percentage) of individuals that have attended.

Very limited WMD training has been available for the county's first response agencies and hospitals. Some training has been provided by SBCCOM (formerly CBDCOM) [fire, law enforcement, HAZMAT], Texas A&M [public works], DPSST [fire, law enforcement, HAZMAT], and the state Office of Emergency Management [senior officials], but only limited numbers of agency employees were invited or able to attend. However, significant training on use of the incident command system in the field and in emergency operations centers has been provided. Within the Tigard Police Department, one sergeant is currently attending Weapons of

Mass Destruction Law Enforcement Protective Measures training course offered by the Center for Domestic Preparedness. The goal of the Tigard Police Department is to have the remaining six sergeants attend this training course within this year.

C. Any WMD exercises the agency has conducted or participated in. Identify the exercise date, type (tabletop, functional, or full scale), and incident type (biological, chemical, etc).

Several of the county's public safety agencies and hospitals participated in exercises hosted by the city of Portland. Those exercises included a full-scale exercise focused on a chemical incident at the Expo Center, a tabletop exercise focused on a biological incident at the Rose Garden, and a full-scale exercise focused on an explosion and chemical incident at the Convention Center. Members of the county's Anti-Terrorism Advisory Committee also conducted a small tabletop exercise that worked through management of two possible biological scenarios. In addition, a large, multi agency tabletop exercise was conducted to discuss response to a school shooting incident and a series of tabletop exercises for the county's fire, law enforcement, public works, and public safety communications staffs were conducted to focus on use of the incident command system. The Tigard Police Department participated in the tabletop exercise in response to a school-shooting incident.

D. Incident or Unified Command System availability.

All of the county's first response agencies and hospital staffs are trained in the Incident Command System (ICS) and the concept of unified command and use them when responding to multi agency incidents.

Part Four: Goals, Objectives and Performance Measures

Goal 1: To improve the ability of emergency first responders to respond to radiological acts of terrorism by purchasing a Radiation Alert Monitor.

Objective 1: Procure equipment and train all users on the appropriate use and maintenance of the equipment.

Performance Measure: Tigard Police Department is supplied with grant-funded equipment.

Goal 2: To improve the identification of persons who commit crimes or threaten Homeland Security.

Objective 2: Purchase forensic video analysis equipment to enhance our efforts to support Oregon's Homeland Defense Strategies.

Performance Measure: Once this program begins, the police department will be able to review evidence previously lost. The arrest and conviction rate will rise as a result. The quantity and quality of intelligence gathered will also rise. The increased rate of identification, arrest and conviction will be the true barometer of the overall success of this program.

Goal 3: Increase survival rate of individuals who have suffered cardiac arrest.

Objective 3: Purchase Medtronic Automatic External Defibrillators and place them in every patrol vehicle as well as the detective's vehicles.

Performance Measure: 100 percent of officers have access to the equipment and receive the necessary training.

Part Five: Implementation and Evaluation Plan

The Tigard Police Department proposes to improve the ability of police officers response to acts of terrorism. Under the management of Officer Dennis J. Dirren, the program will accomplish the following tasks.

Task	Year One Month											
	1	2	3	4	5	6	7	8	9	10	11	12
1. Inform the city of the grant award and begin detailed implementation planning.	X											
2. Purchase equipment		X	X									
3. Provide Training on the proper use of the equipment (on a continues basis)				X	X							
4. Drill exercises (on a continues basis)					X	X						
5. Collect data for project evaluation				X	X	X						
6. Analyze project data					X	X						

7. Complete semi-annual progress report					X	X						
8. Provide a copy of project evaluation to funder						X						
9. Continue training and drill exercises							X	X				
10. Collect data for evaluation									X	X		
11. Complete second progress report											X	X
12. Provide a copy of progress report to funder												X

Management of the project evaluation process will be the responsibility of Officer Dennis J. Dirren, training and accreditation coordinator. Success will be accomplished with step-by-step measurement on the department's effectiveness in meeting the established goals.

Each officer will receive training on the appropriate use of the Automatic External Defibrillators. After the training is completed drill exercises will be conducted to test officers' effective use of the equipment.

This agency will maintain the AVID Forensic Video Assessment System and will keep trained operators available to run it.

[Dennis who will be in charge and/or trained to use the Radiation Alert Monitor?](#)

The evaluation process will track the achievement of milestones, within six months, and review each step of the implementation plan with the project staff. The success of this project will be measured through the evaluation of the following factors:

1. Was the equipment purchased within the time outlined?
2. Have all the officers received the appropriate training?
3. Was the training completed within the time established?
4. Have the drill exercises demonstrated that 100 percent of officers know how to properly use the equipment?

The evaluation report will integrate the findings of the program and summarize the project performance.

Part Six: Identification of Available Funds and Equipment

A. Other federal grants or state or local funds currently earmarked for agency use to purchase WMD equipment and/or supplies. Identify the funding source and the equipment/supplies to be purchased.

MMRS funds are being used by the city of Portland to purchase some communications and personal protective equipment as well as some pharmaceutical supplies. Most of this material is being distributed to and maintained by regional HAZMAT teams in the Portland metropolitan area. The MMRS program is also purchasing two mass decontamination trailers that will be pre-positioned for use in the region.

Grant funds from the CDC and HRSA are being made available to public health agencies and hospitals. However, all funds thus far have been dedicated to planning or vaccination activities. In the future, funding may become available for the purchase of WMD equipment and training.

B. Equipment available that may be used to respond to acts of terrorism involving BNICE (biological, nuclear/radiological, incendiary, chemical, and explosive devices). Include equipment available through mutual aid and equipment available from state or federal sources in the local area.

As previously mentioned the Tiger Police Department does not own any of the equipment being requested under this grant. Additionally, the department does not currently own any equipment that can be used to respond to acts of terrorism involving CBRNE. Under a mutual aid agreement Tualatin Valley Fire and Rescue is able to assist the Police Department with only basic equipment such as protective gloves and with decontamination when necessary.

C. Other grant programs you are applying for to obtain WMD equipment, training, exercises or technical assistance.

The Tigard Police Department has applied for FY03 State Domestic Preparedness Equipment Program to acquire personal protective equipment, M9 Chemical Detection Card for first responders and Second Chance Level IIIA ballistic threat helmet w/ face shield. This equipment will put Tigard Police Department one step closer to being able to fully respond to domestic preparedness incidents.

Part Seven: Budget

Equipment Category	Item	Unit Cost	Quantity	Total
5. Detection Equipment	Radiation Alert Monitor	\$308.00	1	\$308
7. Physical Security Enhancement Equipment	AVID Forensic Video Assessment System w/software	\$24,998	1	\$24,998
9. Medical Supplies & Pharmaceuticals	Medtronic Automatic External Defibrillators (AED)	\$2,695	30	\$80,850
Subtotal				\$106,156

B. Which discipline will receive the equipment?

The Tigard Police Department will be the recipient of the above equipment.

C. Whether training is needed for the proposed equipment.

The maintenance of this equipment and the training of officers will be absorbed by this agency and is not included in the proposed budget for the purchase.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve awarding of Purchase Agreement to Garten Mailing Services for Mailing and Barcode Services for Utility Billing and other special mailings.

PREPARED BY: Terry Muralt DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the Local Contract Review Board approve the award of a Purchase Agreement for mailing and barcode services for utility billing and other special mailings?

STAFF RECOMMENDATION

Approve the award of a Purchase Agreement for Mailing and Barcode Services to Garten Mailing Services for one year, unless otherwise terminated, with the option to renew up to four (4) additional twelve-month periods.

INFORMATION SUMMARY

ORS 279.835-279.855 Products of Disable Individuals requires all state and local governments, school districts and other tax-supported political bodies in Oregon, to purchase goods and services from Qualified Rehabilitation Facilities (QRF's) when the product or service meets their requirements. The City has determined that Garten Mailing Services meets the City requirements for this service. The City prepared the required specifications and contacted other QRF's that provide mailing services. Garten was the only QRF that met all the requirements.

The City uses this service for the mailing of utility bills and other special mailings. Estimated usage just for utility bills alone is approximately 112,000 mailings in FY 2003-04.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Attachment 1 – "Agreement for Services Contract" - 2 Originals

FISCAL NOTES

Funds were budgeted this fiscal year for mailing and barcode services as well as in the FY 2003-04 Approved Budget. The annual expense for these services is estimated at \$46,000.

**CITY OF TIGARD, OREGON
PURCHASE AGREEMENT FOR SERVICES RELATED TO
MAILING AND BARCODE**

THIS AGREEMENT made and entered into this 4th of August, 2003 by and between the City of Tigard, a municipal corporation of the State of Oregon, hereinafter called City, and Garten Mailing Service, hereinafter called Contractor.

RECITALS

WHEREAS, Contractor has submitted a bid or proposal to City to provide certain services; and

WHEREAS, Contractor is in the business of providing certain services and is aware of the purposes for which City requires the services; and

WHEREAS, City and Contractor wish to enter into a contract under which City shall purchase the services described in Contractor's bid or proposal;

THEREFORE, The parties agree as follows:

1. SERVICES TO BE PROVIDED

Contractor agrees to provide services related to Mailing and Barcode as detailed in Exhibit A – Scope of Services and by this reference made a part hereof.

2. EFFECTIVE DATE AND DURATION

Contractor shall initiate services immediately upon receipt of City's notice to proceed, together with an executed copy of this Agreement. This Agreement shall become effective upon August 4, 2003 and shall expire, unless otherwise terminated or extended, on August 3, 2004. All services under this Agreement shall be completed prior to the expiration of this Agreement.

3. COMPENSATION

City agrees to pay Contractor an amount not to exceed as detailed in Exhibit B – Contractors Proposal for performance of those services described herein, which payment shall be based upon the following applicable terms. Compensation over the life of this Contract is estimated at \$234,275 Dollars.

- a. Payment will be made in installments based on Contractor's invoice, subject to the approval by the City, and not more frequently than monthly. Payment shall be made only for work actually completed as of the date of invoice.
- b. Payment by City shall release City from any further obligation for payment to Contractor, for services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein.
- c. Contractor shall make payments promptly, as due, to all persons supplying labor or materials for the prosecution of this work.
- d. Contractor shall not permit any lien or claim to be filed or prosecuted against the City on any account of any labor or material furnished.
- e. Contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
- f. If Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Contractor or a subcontractor by any person as such claim becomes due, City may pay such claim and charge the amount of the payment against funds due or to become due the Contractor. The payment of the claim in this manner shall not relieve Contractor or their surety from obligation with respect to any unpaid claims.

- g. Contractor shall pay employees at least time and a half pay for all overtime worked in excess of 40 hours in any one week except for individuals under the contract who are excluded under ORS 653.010 to 653.261 or under 29 USC sections 201 to 209 from receiving overtime.
- h. Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury to the employees of Contractor or all sums which Contractor agrees to pay for such services and all moneys and sums which Contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.
- i. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.

5. **ASSIGNMENT/DELEGATION**

Neither party shall assign or transfer any interest in or duty under this Agreement without the written consent of the other and any attempted assignment or transfer without the written consent of the other party shall be invalid.

6. **SUBMITTING BILLS AND MAKING PAYMENTS**

All notices and bills shall be made in writing and may be given by personal delivery, mail or fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

Contact Manager for City:	Contact Manager for Contractor:
City of Tigard	Company: Garten Mailing Services
Attn: Tom Imdieke	Attn: Creg Arnold, Division Manager
13125 SW Hall Blvd., Tigard, Oregon 97223	Address: 2455 McGilchrist SE
Phone: 503-639-4171 ext. 2488	Phone: 503-581-1984
Fax: 503-639-1471	Fax: 503-589-3119
Email Address: tomi@ci.tigard.or.us	Email Address: carnold@garten.org

7. **TERMINATION**

The parties agree that any decision by either party to terminate this Agreement before 3rd of August, 2004 shall be accompanied by thirty (30) days written notice to the other party prior to the date termination would take effect. There shall be no penalty for early termination. If City terminates the contract pursuant to this paragraph, it shall pay Contractor for services rendered prorated to the date of termination.

8. **ACCESS TO RECORDS**

City shall have access to such books, documents, papers and records of Contractor as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

9. **FORCE MAJEURE**

Neither City nor Contractor shall be considered in default because of any delays in completion and responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the parties so disenabled, including but not restricted to, natural disaster, war, civil unrest, volcano, earthquake, fire, flood, epidemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subcontractor or supplies due to such cause; provided that the parties so disenabled shall within ten (10) days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

10. **NON-DISCRIMINATION**

Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Contractor also shall comply with the Americans with Disabilities Act of 1990, ORS 659.425, and all regulations and administrative rules established pursuant to those laws.

11. **CONTRACTOR AS INDEPENDENT CONTRACTOR**

Contractor acknowledges that for all purposes related to this Agreement, Contractor is and shall be deemed to be an independent contractor as defined by ORS 670.600 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Contractor is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Contractor under the terms of this Agreement, to the full extent of any benefits or other remuneration Contractor receives (from City or third party) as a result of said finding and to the full extent of any payments that City is required to make (to Contractor or to a third party) as a result of said finding. Contractor acknowledges that for all purposes related to this Agreement, Contractor is not an officer, employee, or agent of the City as those terms are used in ORS 30.265.

12. **INDEMNITY/HOLD HARMLESS**

Contractor shall defend, indemnify and hold harmless City, City's officers, employees, agents and representatives from and against all liability, claims, demands, judgments, penalties, and causes of action of any kind or character, or other costs or expenses incidental to the investigation and defense thereof, of whatever nature, resulting from or arising out of the activities of the Contractor or its subContractors, agents, or employees under this contract, except, however, that the foregoing shall not apply to liability that arises out of City's negligence.

13. **INSURANCE**

Contractor shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all risks arising directly or indirectly out of Contractor's activities or work hereunder.

The policy or policies of insurance maintained by the Contractor shall provide at least the following limits and coverages:

a. **Commercial General Liability Insurance**

Contractor shall obtain, at contractor's expense, and keep in effect during the term of this contract, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1996 ISO or equivalent). This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. The following insurance will be carried:

Coverage	Limit
General Aggregate	1,000,000
Products-Completed Operations Aggregate	1,000,000
Personal & Advertising Injury	1,000,000
Each Occurrence	1,000,000
Fire Damage (any one fire)	50,000
Medical Expense (any one person)	5,000

b. **Business Automobile Liability Insurance**

If Contractor will be delivering any goods, Contractor shall provide City a certificate indicating that Contractor has business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$1,000,000. Said insurance shall name City as an additional insured and shall require written notice to City thirty (30) days in advance

of cancellation. If Contractor hires a carrier to make delivery, Contractor shall ensure that said carrier complies with this paragraph.

c. Workers' Compensation Insurance

The Contractor and all employers providing work, labor or materials under this Contract that are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers or employers that are exempt under ORS 656.126. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than 30 days in a calendar year. Contractors who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than \$500,000 each accident.

d. Insurance Carrier Rating

All coverage provided by the Contractor must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

e. Certificates of Insurance

As evidence of the insurance coverage required by the contract, the Contractor shall furnish a Certificate of Insurance to the City. No contract shall be affected until the required certificates have been received and approved by the City.

The procuring of such required insurance shall not be construed to limit contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.

14. ATTORNEY'S FEES

In case suit or action is instituted to enforce the provisions of this contract, the parties agree that the losing party shall pay such sum as the court may adjudge reasonable attorney fees and court costs, including witness fees (expert and non-expert), attorney's fees and court costs on appeal.

15. COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES

Contractor shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, workers compensation insurance, health care payments, payments to employees and subcontractors and income tax withholding contained in ORS Chapter 279, the provisions of which are hereby made a part of this agreement.

16. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument shall control and nothing herein shall be considered as an acceptance of the terms of proposal conflicting herewith.

17. SEVERABILITY

In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

18. **COMPLETE AGREEMENT**

This Agreement, including the exhibits, is intended both as a final expression of the Agreement between the parties and as a complete and exclusive statement of the terms. In the event of an inconsistency between a provision in the main body of the Agreement and a provision in the Exhibit, the provision in the main body of the Agreement shall control. In the event of an inconsistency between Exhibit A and any other exhibit, Exhibit A shall control. In the event of an inconsistency between Exhibit C and Exhibit B, Exhibit B shall control. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Contractor, by the signature of its authorized representative, hereby acknowledges that Contractor has read this Agreement, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, City has caused this Agreement to be executed by its duly authorized undersigned officer and Contractor has executed this Agreement on the date hereinabove first written.

CITY OF TIGARD

Approved by Tigard's Local Contract Review Board on: June 10, 2003

Bill Monahan, City Manager

Signature

Date

CONTRACTOR

Company Name

Print Name & Title of Authorized Representative

Signature

Date

EXHIBIT 'A'

SERVICES TO BE PROVIDED

DETAILED SPECIFICATIONS

1. City of Tigard will print statements and provide the envelopes for mailing.
2. Quantity of utility statements will be approximately 2,200 weekly.
3. Utility statements are printed in zip code order.
4. Listed below is a schedule of services that the Contractor will be expected to do:
 - Pick up statements each Friday by 10:00 AM.
 - Fold and insert statements with #9 return envelopes into a #10 window envelope. No labeling is required on envelopes.
 - Print Bar code onto envelopes.
 - Take mailing to Post Office - To be mailed no later than Monday for statements picked up on the previous Friday.
5. If something happens on the City's end and the statements are not ready for contractor to pick up on Friday, the City will notify contractor and reschedule at a later date.
6. There will be additional "Informational" inserts with the statements 2-3 times a year. At times there could be two (2) or more inserts with a mailing.
7. There are several accounts that receive multiple statements. Multiple statements are printed together and would be mailed together
8. A few times a year the contractor will be requested to do "special mailings" **not** related to Utility Billing. These mailings will be printed in zip code order.
9. Contractor shall store several cases of #9 and #10 envelopes on site.

BILLING REQUIREMENTS:

Billing statement shall be itemized to show quantities per each individual billing rate. See example below.

Postage Costs:

1. Number of pieces multiplied by current bulk mailing postage rate.
2. All other individual pieces listed and multiplied by applicable rate.

Additional Insert Costs:

1. Insert No.1 - number of inserts multiplied by rate.
2. Insert No.2 - number of inserts multiplied by rate.

Each service that is billed at a different rate needs to be itemized on the billing statement as shown in the example above.

TERM OF CONTRACT:

Purchase Agreement for Services for Mailing and Barcode

The initial term of the contract shall be one (1) year with four (4) additional one-year options to extend. The maximum duration of the contract may not exceed five (5) years. The City may exercise its renewal options upon written notice provided to Contractor at least thirty (30) days prior to expiration of the then current term.

CONTRACT ADMINISTRATOR:

The City Contractor Administrator shall be Tom Imdieke, 503-639-4171 ext. 2488.

EXHIBIT 'B'

**CONTRACTOR'S PROPOSAL
FOR
MAILING AND BARCODE SERVICE**

Item	Description	Unit Price
1.	Fold single statement	.02
2.	Insert statement and return envelope	.0225
3.	Seal/meter envelope	0
4.	Barcode & sort for automated postage rate	.03
5.	Cost of one (1) insert other than bill	.0225
6.	Additional cost if two (2) or more inserts other than bill	.003 ea
7.	Set up fee, if any	0
8.	Pickup and delivery fee, if any	10.00
9.	Storage of City envelopes	0
10.	Postage rate	.309

1. Margin of error in return mail, double stuffed envelopes etc. 1%
2. Payment Capability – Accepts Mastercard. Yes X No

EXHIBIT C

CITY OF TIGARD (Buyer) STANDARD TERMS AND CONDITIONS

1. **Packing & Shipment.** Deliveries shall be made as specified, without charge for boxing, crating, carting or storage. Material shall be suitably packed to ensure against damage from weather or transportation and to secure lowest transportation costs, and in accordance with the requirements of common carriers. Buyer's Order number and symbols must be plainly marked on all invoices, packages, bills of lading and shipping orders. Packing lists shall accompany each box or package shipment. Buyer's count or weight shall be conclusive on shipment not accompanied by packing lists. Unless otherwise specifically agreed on the reverse side of this Agreement, all costs of packaging and shipment are included in the purchase price and all goods will be shipped, with all costs prepaid. Risk of loss to goods in shipment (including damage, destruction, theft, or loss) shall be borne by the Contractor. Risk of loss shall not pass to Buyer until the goods are delivered to and checked in at the location specified by Buyer in this Order.
2. **Warranty.** Unless otherwise agreed in writing, Contractor warrants that the products ordered will conform to the specifications herein and to any drawings, samples, or other description furnished or adopted by Buyer. All products are warranted to be merchantable, to be of the highest quality design, material, and workmanship and free from defect and to be fit for purpose intended. All warranties shall survive inspection or test, acceptance and payment. Warranties shall run to Buyer, its successors, assigns and customers. Warranty period shall be (1) year from date of acceptance by Buyer.
3. **Inspection and Acceptance.** At Buyer's request, Contractor shall provide a complete inspection program; satisfactory to Buyer, for Buyer's inspection of all materials, fabricating methods, equipment in process work and finished products. If this Order provides for inspection of the work by Buyer on site during the period of manufacture, Contractor agrees to provide Buyer's inspectors with reasonable facilities and assistance during such inspection. Inspection by Buyer shall not unduly delay the work. Buyer may charge Contractor any additional cost incurred by Buyer if the work is not ready in accordance with the inspection schedule. Any inspection made or Waiver-of-Inspection-Notice given by Buyer will not relieve Contractor from its responsibilities for delivering products and work hereunder.
Acceptance or rejection of the products shall be made up to 10 days after delivery and inspection by Buyer except as otherwise provided herein. Failure to inspect and accept or reject products shall neither relieve Contractor from responsibility for such products, which do not meet the requirements herein nor impose liability on Buyer therefore.
4. **Delivery.** If Contractor fails to meet the delivery schedule provided herein, Buyer may require Contractor to deliver the products, or any portion thereof, in any manner commercially necessary to speed delivery, all at the Contractor's sole expense. Unless otherwise agreed upon in writing by Buyer and Contractor, Contractor shall be required to pay the normal freight weight plus any premium rate required. Invoices covering products shipped in advance of the date specified will not be paid until after the date specified for delivery and are subject to rejection, as provided in this paragraph immediately below, if shipped too early.
Neither party shall be liable for delays or defaults due to strike, fire, windstorm, riot, natural disaster, war, civil unrest or other similar unforeseeable cause beyond the control and without the fault or negligence of the party incurring such delay. Contractor shall notify Buyer in writing of the existence of such cause within five (5) days after the commencement of the delay or default giving pertinent information concerning such cause. No delivery shall be made more than seven (7) days prior to the applicable delivery date, and Buyer shall have the right to return earlier deliveries at Contractor's risk and expense or charge to Contractor any additional costs sustained because of the same.
5. **Buyer-Furnished Materials.** Contractor shall assume all risk of loss of any material furnished by Buyer to Contractor for use in performance of this Order.
6. **Taxes.** Contractor shall not invoice Buyer for any taxes nor include in Contractor's price any federal excise, state, or city tax or any other tax, unless Contractor has first asked Buyer for Buyer's tax exemption number and it has been agreed upon between both parties that Buyer is not exempt from the tax.
7. **Changes.** Buyer may, by written order, make changes including changes in drawings or specifications. Buyer will equitably adjust any difference in cost or time for performance resulting from such change and the Order modified in writing accordingly. ANY CLAIM BY CONTRACTOR UNDER THIS CLAUSE MUST BE ASSERTED IN WRITING WITHIN 30 DAYS FROM THE DATE OF CONTRACTOR'S RECEIPT OF THE CHANGE ORDER OR THE CLAIM WILL NOT BE ALLOWED.
In the event that Buyer proposes any change prior to making such change by written order and such change will have an effect on the warranty of the products procured by this Order, Contractor shall notify Buyer in writing of such effect within 10 days of receipt of such proposal.
8. **Advertising.** Contractor shall not, without the written consent of Buyer, in any manner advertise or publish the fact that Contractor has furnished or contracted to furnish to Buyer the products herein.
9. **Cancellation for Cause.** Buyer may cancel all or any part of the undelivered portion of this Order if Contractor breaches any of the terms hereof or in the event of any of the following: Insolvency of Contractor, a voluntary or involuntary petition in bankruptcy for, by or against Contractor; the appointment of a receiver or trustee for Contractor, or an assignment for the benefit of creditors by Contractor or if Buyer has reasonable cause to believe Contractor will become insolvent, file for bankruptcy, go out of business or that the products being shipped may be subject to lien, claim or attachment by a creditor of Contractor. Any such cancellation under

this section shall be cancellation for cause and in the event of such cancellation, Buyer shall have the right to complete, or cause to have completed, this Order including the right to cause Contractor to produce, without liability of any kind to the Buyer, proprietary items of the Contractor as necessary to complete the Order. The remedies and damages in this section shall be cumulative and in addition to any other or further remedies provided at Law or in Equity, including reasonable and necessary attorney's fees and other costs of litigation.

10. Termination. City has the right, in its sole discretion, to terminate without cause or for no cause, to termination this Agreement at any time by giving notice to Contractor. If City terminates the contract pursuant to this section, it shall pay Contractor for goods shipped by Contractor prior to receipt by Contractor of the notice of termination. City may deduct the amount of damages, if any, sustained by City due to any breach of contract or warranty by Contractor. Damages for breach of contract or warranty shall be those allowed by Oregon law, reasonable and necessary attorney fees, witness fees (expert and non-expert), and other costs of litigation at trial and on appeal.
11. Assignment and Subcontracting. Contractor may not assign or subcontract any of its rights or obligations hereunder without the prior written approval of Buyer. Any unapproved assignment shall be void. Contractor shall be fully responsible for the acts or omissions of any subcontractors and all persons employed by them, and neither the approval by Buyer of any subcontract nor anything contained herein shall be deemed to create any contractual relation between the subcontractor and the Buyer. Buyer may assign its rights under this Order.
12. Work on Buyer's Premises. If Contractor's performance of this Order involves operations by Contractor on Buyer's premises, Contractor shall (a) provide all necessary and sufficient safeguards and take all proper precautions against the occurrence of injury to any person or damage to any property, and shall be responsible for and shall indemnify and hold harmless Buyer, its representatives, officers, employees, and agents from any and all loss, suit, action or claim, including cost and attorney's fees, by reason of injury, including death, to any person and carry public liability and property damage insurance with limits of liability of not less than \$300,000 each, unless higher limits are required by a signed purchase agreement, with contractual liability endorsement and such insurance of employees as may be required by any workmen's compensation act or other law, regulation or ordinance which may apply in the premises. Such public liability and property damage insurance shall also cover the operation of Contractor's vehicles used in the performance of Contractor's operations. Any policy of insurance written in accordance with the foregoing shall be appropriately endorsed to named Buyer, its officials, employees and agents as additional insureds, with provisions that such insurance is primary insurance with respect to their interest, and that any other insurance maintained by Buyer is excess and not contributory insurance with the insurance required hereunder, with cross-liability or severability of interest provisions, and shall further provide that the coverage provided thereby shall not be modified or discontinued or terminated except upon 30 days prior written notice to Buyer. Compliance shall be verified by Certificate of Insurance with appropriate endorsements sent to Buyer prior to Contractor commencing work on Buyer's premises. Any work performed on Buyer's premises must be done pursuant to all OSHA standards, all applicable State and Federal health and safety laws, rules and regulations and all workers must be covered by workers' compensation insurance furnished through and paid for by Contractor.
13. Stop Work Order. Buyer may, at any time by written order to Contractor, require Contractor to stop all, or any part of the work called for by this Order for a period of 90 days after the written order is delivered to Contractor, and for any further period to which the parties may agree and for any other period to which the parties may have agreed or as provided in Section 4, 10, and/or 11. Within the period of 90 days or less or within any extension of that period, Buyer shall either: (a) cancel the "Stop Work Order" and direct Contractor to resume work; or (b) terminate the work covered by this Order. If Buyer orders Contractor to resume work, Contractor shall be entitled to an equitable adjustment pursuant to Section 8 provided a claim for such an adjustment shall be submitted by Contractor within 30 days after the end of the period of work stoppage.
14. Payment. Payment date and cash discount period shall be calculated from the date of Buyer's receipt of an acceptable invoice and Buyer's acceptance of the products and supporting documentation at destination.
15. Information/Data. Unless otherwise agreed in writing any designs, drawings, specifications, or other manufacturing information furnished by Buyer to Contractor shall be confidential to Buyer and is furnished solely for the performance of this Order. All copies of such information shall be returned to Buyer upon completion of the Order. Any designs, drawings, specifications, or other manufacturing information delivered by Contractor to Buyer may be used for any purpose whatsoever. The foregoing shall apply notwithstanding the presence or absence of any contrary legend or statement on any of such information. All business and governmental information materials containing business and governmental information provided by Buyer to Contractor shall be treated as confidential.
16. Compliance with Laws and Regulations. Contractor warrants that all products, goods, or work delivered and performed shall comply with all applicable Federal, State or Local Laws or Regulations including without limitation The Occupational Safety and Health Act (29 USC. Chapter 15); Federal Hazardous Material Transportation Act (49 USC. Chapter 27); Equal Employment Opportunity; E.O. 11246 and 41 CFR Sections 60-1.4 and 60-1.7; Employment of the Handicapped E.O. 11758 and 41 CFR Section 60-741-4; Utilization of Minority Enterprises E.O. 11625 and 41 CFR Subpart 1-1.13; Age Discrimination E.O. 11141, Employment of Veterans E.O. 11701 and 41 CFR Section 50-250.4 and all rules, regulations and amendments issued pursuant to the foregoing.
Contractor shall indemnify Buyer, its officers, employees and agents against any damages, penalties, costs or expenses incurred in connection with any alleged violation of any Federal, State or Local Law or regulating the manufacture or sale to the Buyer of any Item covered by this Order.

17. Patents, Copyrights, Trademarks. Contractor warrants that no products will be furnished hereunder, which infringe or contribute to the infringement of any letters patent, copyright or trademark. Contractor agrees to immediately replace at its sole cost any products furnished hereunder which infringe or contribute to the infringement of any letters patent, copyright or trademark or to take all steps necessary at Contractor's sole expense to remove such infringement.

Contractor will indemnify and hold harmless Buyer, its representatives, officers, employees and agents from and against any and all costs, royalties, damages and/or expenses which may arise out of or result from, or be reasonably incurred in contesting any claims that the methods, processes or acts by the Contractor or its employees or the products furnished hereunder, infringes or contributes to the infringement of any letters, patent, copyright or trademark.

18. Waiver. The failure of Buyer to enforce at any time any of the provisions of this Order or to exercise any option herein provided, shall not be a present or future waiver of such provisions, nor in any way affect the validity of this Order or any part hereof, or the right thereafter to enforce each and every such provision. The express waiver (whether one (1) or more times) of any provision, condition or requirement shall not constitute a waiver of any future obligation to comply with such provision, condition or requirement.

19. Independent Contractor. Contractor is an independent contractor and persons employed by Contractor shall be employees of Contractor and not employees of Buyer.

20. Complete Agreement. The Purchase Order and any referenced attachments constitute the complete agreement between the parties. Except as otherwise provided herein, it is subject to change only by an instrument signed in writing by both parties.

21. Acceptance by Performance. If Contractor fails provide to Buyer with a signed copy of this order, but delivers product or performs the services specified in this agreement, then Contractor agrees that the Contractor shall be deemed to have accepted the terms and conditions of this order, as provided on both the front and this reverse side of the order. Buyer must agree any changes or modifications to this order by Contractor to, in writing, or they shall not be deemed accepted by Buyer and if the Contractor delivers the products nonetheless, then the original terms and conditions of this order shall govern.

22. Mandatory Mediation and Binding Arbitration. If there is a dispute concerning any of the terms, conditions or the performance of this order, then it is hereby agreed by both Buyer and Contractor that the dispute shall be submitted first to non-binding mediation, to be performed by a sole mediator to be agreed upon between Buyer and Contractor. If a mediator cannot be agreed upon, then the parties agree that any Circuit Court judge for the State of Oregon, County of Washington, shall be authorized to appoint a mediator for the parties.

Should the parties fail to reach an agreement through mediation, then the parties shall submit to binding arbitration, which shall be governed by the rules of the Arbitration Service of Portland, and shall be conducted within Washington County. The arbitration shall be conducted by a single arbitrator chosen by mutual agreement of the parties. If the parties are unable to agree on an arbitrator, the parties shall ask the Presiding Judge of the Circuit Court for Washington County to select the arbitrator. If the arbitrators determine that one party is the prevailing party, then the losing party shall be required to pay all fees and costs of the arbitration. On the other hand, if the arbitrators determine that neither party is to be considered the prevailing party, then the fees and costs of the arbitration shall be divided equally between the parties. The parties knowingly and voluntarily waive their rights to have their dispute tried and adjudicated by a judge or jury. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with the arbitrator's award, then the other party shall be entitled to costs, including reasonable attorney fees, for having to compel arbitration or defend or enforce the award. The parties agree to defend the arbitrator and any individual engaged in the administration of an arbitration proceeding from any subpoenas or claims from third parties arising out of this order or the arbitration.

23. Jurisdiction and Attorney Fees. This order shall be governed and construed according to the laws of the State of Oregon. If a dispute shall arise under this order necessitating the services of an attorney, then the prevailing party shall be entitled to collect from the losing party all of its/his/her reasonable costs and attorney fees, either in arbitration (if awarded by the arbitrator as provided above), or by a court before which any matter concerning this order may be heard, both at trial and on appeal.

24. Neutral Interpretation. This order constitutes the product of negotiations between the parties hereto. Any enforcement hereof will be interpreted in a neutral manner and not more strongly for or against any party based upon the source of draftsmanship.

25. Severability. Nothing contained herein shall be construed to require the commission of any act contrary to law, and wherever there is any conflict between the provisions contained herein and any present or future statute, law, ordinance or regulation contrary to which to the parties have no legal right to contract, the latter shall prevail. The provision of this Agreement, which is affected, shall be curtailed and limited only to the extent necessary to bring it within the requirement of the law.

26. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or such holiday, then that period shall be extended to include the next day which is not a Saturday, Sunday or holiday.

Notice. Any notice required or permitted to be given by either party to the other shall be deemed to have been given when sent via telecopy, overnight air courier, or deposited in the United States mail certified, return receipt requested, with first class postage prepaid, addressed as indicated on the front of this order, or addressed to either party at such other address as such party shall hereafter furnish to the other party in writing. Notice shall also be considered effective upon delivery if personally delivered.

27. Conditions of Supplying a Public Agency. Where applicable, Contractor must make payment promptly as due to persons supplying Contractor labor or materials for the execution of the work provided by this order. Contractor must pay all contributions or amounts due from Contractor to the industrial accident fund incurred in the performance of this order. Contractor shall not permit any lien or

claim to be filed or prosecuted against Buyer or any subdivision of Buyer on account of any labor or material to be furnished. Contractor further agrees to pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

28. Payment of Claims by Public Officers. In the event that Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to Contractor or a subcontractor of Contractor by any person in connection with the performance of this order when such claim becomes due, then the proper officer or officers representing the Buyer hereunder may pay such claim to the person furnishing the labor or services and charge the amount of the payment against the funds due or to become due to the Contractor by reason of this order. The payment of a claim in the manner authorized by this provision shall not relieve the Contractor or any of the Contractor's surety from obligations with respect to any unpaid claims.
29. Health Care Benefits for Contractor's Employees. If this order involves public service, then Contractor must provide health care benefits to all employees who are performing services previously performed by public employees performing similar duties under this order.
30. Hours of Labor. If labor is performed under this order, then no person shall be employed for more than eight (8) hours in any one day, or forty (40) hours in any one week, except in cases of necessity, or emergency or where the public policy absolutely requires it, and in such cases, except cases of contracts for personal services as defined in ORS 279.050, the labor shall be paid at least time and a half for all overtime in excess of eight (8) hours a day and for all work performed on Saturday and on any legal holidays as specified in ORS 279.334. In cases of contracts for personal services as defined in ORS 279.050, any labor shall be paid at least time and a half for all hours worked in excess of forty (40) hours in any one week, except for those individuals excluded under ORS 653.010 to 653.260 or under 29 USC SS 201-209.
31. Medical Care and Workers' Compensation. Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention incident to sickness or injury, to the employees of such Contractor, of all sums which the Contractor agrees to pay for such services and all moneys and sums which the Contractor collected or deducted from the wages of the employees pursuant to any law, contractor agreement for the purpose of providing or paying for such service.

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on the New Tigard Library

PREPARED BY: Margaret Barnes DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Presentation by staff to update the City Council about the new library.

STAFF RECOMMENDATION

The purpose of this presentation is to communicate recent events and accomplishments related to the new Tigard Public Library.

INFORMATION SUMMARY

On May 21, 2002, Tigard voters passed a \$13 million bond measure for the construction of a new library of approximately 47,000 square feet. This amount will pay for land acquisition, the design, construction and furnishing of the new library, parking and related street improvements. The site of the new library is a 14.7-acre property located along Hall Boulevard near O'Mara Street. The library building and parking will occupy about 5 acres of the site.

The design is completed and construction is scheduled to begin in July. The project remains on schedule and within budget. The focus of the monthly update at this meeting will be a report on the groundbreaking ceremony on Saturday, May 17 at 10 a.m. as well as an update on the construction schedule. The continuing need for fundraising to adequately equip the new library also will be discussed.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

ATTACHMENT LIST

1. Set of PowerPoint Slides

FISCAL NOTES

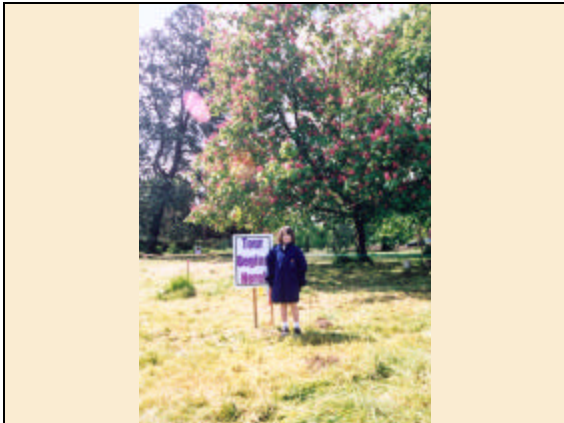
N/A



June 10, 2003

What's New on the New Library?





Timeline...Countdown to a New Library



Bond Measure Passes	Spring '02	✓
Advertise for Architect	Summer '02	✓
Select Architect	Summer/ Fall '02	✓
Select General Contractor	Fall '02	✓
Sell Bonds	Fall '02	✓
Two Community Meetings on Library Design	Fall '02	✓✓
Purchase Property	Fall '02	✓
Design Library	Fall '02/ Winter '03	✓
Public Meetings on Site Master Plan for Fanno Creek Extension	Winter/Spring '03	✓
Groundbreaking	May 17, 2003	✓
Library Construction	Spring '03/'04	
Library Opens!	Summer '04	

For More Information on Library Project...

Contact:

paula@ci.tigard.or.us

503-684-6537, ext. 2508

**Or check out the
New Library web pages at:**

www.ci.tigard.or.us



AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

PREPARED BY: Craig Prosser DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the City Council approve a resolution certifying that it provides certain services making it eligible to receive state shared revenues?

STAFF RECOMMENDATION

Staff recommends approval of the attached resolution.

INFORMATION SUMMARY

The City has estimated the receipt of the following state shared revenues:

	<u>FY 2003-04</u>	<u>FY 2002-03</u>
Cigarette Tax	\$ 87,400	\$ -0-
Liquor Tax	\$ 350,000	\$ 381,386
State Gas Tax	\$1,610,201	\$1,686,559

The state requires the City to certify its eligibility to receive these revenues by stating that it provides more than four of the services listed in ORS 221.760. The City does provide a sufficient number of required services and is therefore eligible for these receiving the state shared revenues. The services the City provides include Police protection; street construction, maintenance, and lighting; sanitary and storm sewers; planning, zoning, and subdivision control; and water utility. Approval of the attached resolution will meet the state requirement of certification. The Oregon State Legislature voted to discontinue the sharing of cigarette tax revenues with cities and counties.

OTHER ALTERNATIVES CONSIDERED

Not accept the revenues from the State of Oregon.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Acceptance of these revenues will assist in funding City goals and strategies.

ATTACHMENT LIST

Certifying resolution.

FISCAL NOTES

Approval of the resolution would secure \$2,067,945

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR
STATE SHARED REVENUES

WHEREAS, ORS 221.760 (1) provides as follows:

The officer responsible for disbursing funds to cities under ORS 323.455, 366.785, 366.820, and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds if the city provides four or more of the following services.

- 1) Police protection
- 2) Fire protection
- 3) Street construction, maintenance, and lighting
- 4) Sanitary sewers
- 5) Storm sewers
- 6) Planning, zoning, and subdivision control
- 7) One or more utility services

And,

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard hereby certifies that it provides the following four or more services enumerated in
Section 1, ORS 221.760:

- 1) Police protection
- 2) Street construction, maintenance, and lighting
- 3) Sanitary sewers
- 4) Storm sewers
- 5) Planning, zoning, and subdivision control
- 6) Water utility

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

PREPARED BY: Craig Prosser DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the City Council approve an ordinance declaring the City's election to receive state revenue sharing funds.

STAFF RECOMMENDATION

Staff recommends the approval of the attached ordinance.

INFORMATION SUMMARY

The City has estimated the receipt of \$211,360 of state revenue sharing in the FY 2003-04 budget. Such funds are available from the state for those cities that meet certain requirements. The requirements include having a public hearing before the Budget Committee and a public hearing before the City Council. The hearing before the Budget Committee was held May 19, 2003. Approval of the attached ordinance will meet the state requirements for the City's election to receive these funds.

OTHER ALTERNATIVES CONSIDERED

Not accept the revenues from the State of Oregon.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Acceptance of these revenues will assist in funding City goals and strategies.

ATTACHMENT LIST

Ordinance declaring City election to receive state revenue sharing funds.

FISCAL NOTES

Approval of the ordinance would secure \$211, 360 of revenue for the General Fund.

CITY OF TIGARD, OREGON

ORDINANCE NO. 03-_____

AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, State Revenue Sharing Law, ORS 221.770, requires cities to annually pass an ordinance or resolution requesting state revenue sharing money; and

WHEREAS, the law mandates public hearings be held by the city and that certification of these hearings is also required; and

WHEREAS, in order to receive state revenue sharing in FY 2003-04, the City must have levied property taxes in the preceding year; and

WHEREAS, the City did levy property taxes in FY 2002-03.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to ORS 221.770, the City hereby elects to receive state revenues for the Fiscal Year 2003-04.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2003.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2003.

James E. Griffith, Mayor

Approved as to form:

City Attorney

Date

I certify that a public hearing before the Budget Committee was held on May 19, 2003, and a public hearing before the City Council was held on June 10, 2003, giving citizens an opportunity to comment on the use of State Revenue Sharing.

Catherine Wheatley, City Recorder

Date

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE FY 2003-04 Capital Improvement Program

PREPARED BY: A.P. Duenas DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Adoption of the FY 2003-04 Capital Improvement Program and approval of the FY 2003-04 projects.

STAFF RECOMMENDATION

Staff recommends that City Council, by motion, adopt the FY 2003-04 Capital Improvement Program and projects as described in the attached memorandum dated May 27, 2003 with appendices A, B, B-1 through B-6, and C.

INFORMATION SUMMARY

Attached is a memorandum dated May 27, 2003 transmitting the FY 2003-04 Capital Improvement Program (CIP). This memorandum, with appendices, presents the recommended projects for FY 2003-04 and a tentative list of projects for the following four years. The FY 2003-04 CIP was presented to the Budget Committee on May 12, 2003, and to the the Planning Commission at its meeting on May 19, 2003. The Planning Commission recommended approval of the proposed program with minor revisions as recommended by the City Engineer. The FY 2003-04 CIP, with all revisions incorporated, is submitted to City Council for review and approval. The adopted program would be the City's Capital Improvement Program for FY 2003-04.

OTHER ALTERNATIVES CONSIDERED

Adopt the FY 2003-04 CIP with further modifications.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The FY 2003-04 CIP supports the Tigard Beyond Tomorrow Transportation and Traffic goals of "Improve Traffic Safety" and "Improve Traffic Flow."

ATTACHMENT LIST

Memorandum dated May 27, 2003 with appendices A, B, B-1 through B-6, and C.

FISCAL NOTES

The FY 2003-04 CIP system amounts are based on the Finance Director's funding projections for FY 2003-04.



Engineering Department
*Shaping A
Better Community*

MEMORANDUM

CITY OF TIGARD

**13125 SW Hall Blvd
Tigard, OR 97223
Phone (503) 639-4171
Fax (503) 624-0752**

TO: City Council

FROM: Agustin P. Duenas, P.E.
City Engineer

DATE: May 27, 2003

SUBJECT: FY 2003-04 Capital Improvement Program

This document presents the proposed FY 2003-04 Capital Improvement Program (CIP) for review and approval. The proposed CIP was presented to the Budget Committee on May 12, 2003, and to the Planning Commission on May 19, 2003 for review and recommendation to City Council. The Planning Commission approved the FY 2003-04 CIP as submitted with revisions as recommended by the City Engineer. This document reflects all changes, including revisions approved by the Budget Committee on May 19, 2003.

Background

The Capital Improvement Program includes improvements to the streets, storm drainage, sanitary sewer, water, parks, and city facilities systems. The Engineering Department manages the street, storm drainage, and sanitary sewer CIP's. The Public Works Department manages the Water System CIP and the Parks CIP, and the City Facilities System is jointly managed by the Engineering and Public Works Departments.

The Capital Improvement Program is reviewed and approved each year by the City Council. The CIP is developed through a process separate from, but parallel to, the City's Operating Budget formulation process. The CIP is developed in close coordination with the City's Finance Director and is eventually integrated into the City's overall budget for approval. The program submitted to the City's Budget

Committee, the Planning Commission and City Council is a 5-year program with the first year's program described in detail. While the program lists projects for subsequent fiscal years, the projects shown are tentative and are subject to change during the formulation process for each specific budget year. The CIP, through the adoption process, establishes the budget and projects for the upcoming fiscal year and serves as a planning document to guide the infrastructure improvements over the following 4 years. During each budget year's update, the revenue estimates are adjusted, the project cost estimates are reviewed, and the program and project priorities are re-evaluated based on changes in City plans, citizen input, and additional data which may become available.

Process

The Capital Improvement Program update process begins with citizen involvement through the Citizen Involvement Teams. To ensure coordination with the annual operating budget process, the CIP formulation needs to begin late each calendar year for the following fiscal year, which begins July 1st of the next calendar year. The CIP overview was presented during the November 2002 CIT meeting. The CIT meeting in December provided the CIT members with the opportunity to provide input into the process and to nominate projects for evaluation and possible inclusion into the program. The final meeting in January 2003 completed the CIT process for the FY 2003-04 CIP. After that, the program submittals would be to the City's Budget Committee, the Planning Commission and City Council for adoption and implementation beginning July 1, 2003.

The Planning Commission review typically provides another opportunity for public comment on the proposed plan. After review by the Planning Commission, the plan with subsequent modifications, if any, is submitted, with Commission recommendation, to the City Council for review and approval. Council may make additional modifications to the plan during its review and approval process. The approved plan would be the approved Capital Improvement Program for the next fiscal year.

FY 2003-04 Projects

The Capital Improvement Program includes projects under the following system programs:

- ◆ The Street System Program
- ◆ The Park System Program
- ◆ The Sanitary Sewer System Program
- ◆ The Storm Drainage System Program
- ◆ The City Facilities System Program
- ◆ The Water System Program

Appendix A describes the projects and funding sources under the various programs for FY 2003-04.

The Five-Year CIP

Appendix B provides an introduction to the 5-Year CIP. Appendices B-1 through B-6 present the 5-Year CIP projects beginning with FY 2003-04 and ending with FY 2007-08.

Unfunded Street System Projects

The failure of the proposed Transportation Bond (Ballot Measure 34-20) in the November 2000 election means that no funding is available to construct some greatly needed street reconstruction and expansion projects during the next few years. In addition, the State Gas Tax has not been increased during the past decade. The amount available from those revenues for corrective and preventative maintenance is highly inadequate to address the \$4 million dollar backlog of maintenance needs. As operating and materials costs increase, the amount available from the Gas Tax Fund is expected to decrease each year.

Appendix C shows a few of the preventative/corrective maintenance funding requirements, and some of the major street projects that will not have adequate funding over the next few years. The list provided is not all inclusive but provides an indication of the level of funding needed to address some of the projects needed over the next few years.

Appendices

- Appendix A: *FY 2003-04 Capital Improvement Program Projects*
- Appendix B: *Five-Year Capital Improvement Program Plan*
 - Appendix B-1: *Street System Program*
 - Appendix B-2: *Park System Program*
 - Appendix B-3: *Sanitary Sewer System Program*
 - Appendix B-4: *Storm Drainage System Program*
 - Appendix B-5: *City Facilities System Program*
 - Appendix B-6: *Water System Program*
- Appendix C: *Unfunded Street System Projects*

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FY 2003-04 CAPITAL IMPROVEMENT PROGRAM

STREET SYSTEM PROGRAM

The Street System Program contains projects to construct, maintain, and improve Tigard's street system. Projects are accounted for in the State Gas Tax Fund, the Traffic Impact Fee Fund, the Urban Services Fund, the Underground Utility Fund, the Dartmouth LID Fund and the Wall Street LID Fund.

Gas Tax Fund

State and County gas tax revenue can be used for upgrading the collector and local streets within Tigard without restriction. This revenue is limited, however, and is not sufficient to fund all the street improvement needs of the City. In addition, the state gas tax has not increased in a decade. As expenses increase and operational costs rise, the amount available for projects will continue to decrease in the coming years. The Gas Tax Fund will soon cease to be a viable source of funding for street-related maintenance projects.

Traffic Impact Fee Fund

Traffic Impact Fee (TIF) funding can be used only for highway and transit capital improvements that provide additional capacity to major transportation systems. This funding is limited to collector and arterial streets, and 50% must be spent on arterial streets. The transportation planning effort for the City was recently completed with the adoption of the Tigard Transportation System Plan. There will not be sufficient funding in the TIF Fund, however, to complete all the projects that are envisioned over the next 5 to 10 years.

Dartmouth LID Fund

The Dartmouth LID Fund was established to account for the construction of a local improvement district (LID) on Dartmouth Street. The source of funding is assessments against benefiting properties within the LID.

Wall Street LID Fund

The design and construction of Wall Street from Hall Boulevard to Hunziker Street is proposed for funding through formation of a local improvement district (LID) supplemented by Traffic Impact Fee funding for engineering design and construction management. The entire project is anticipated to span several fiscal years. The Preliminary Evaluation Report for the proposed LID has been presented to City Council. Council has authorized the preparation of the Preliminary Engineer's Report, as the next step in the process to determine if the LID should be formed.

Urban Services Fund

The Urban Services Fund was established to track revenues and expenses associated with the provision of services in the areas outside the City limits but within Tigard's urban services area. Tigard provides current planning, development review, and other services in this area under contract with Washington County. The City collects building and planning-related fees to pay for these services. In addition, the County pays the City to provide major road maintenance. The County has recently indicated that they

Appendix A

would perform the major road maintenance projects within the Urban Services Area for FY 2003-04. Hence, that maintenance work has not been included in the City's CIP budget for FY 2003-04.

Underground Utility Fund

This fund receives payments from developers in lieu of installing utilities underground. Funds are then used to place utilities underground typically in conjunction with major roadway projects.

Traffic Impact Fee – Urban Services

These are Traffic Impact Fees collected within the Urban Services Area. At the time Walnut Island and ancillary islands were annexed into the City, County officials authorized the use of County TIF funds collected within the Urban Services area for TIF-eligible improvements to the major roads within the annexed areas. Those major roads were not transferred to the City as part of the annexation. The jurisdictional transfer occurred later through City Council request by resolution and County Board of Commissioners action to approve the transfer.

The following are the proposed projects for FY 2003-04:

Project	Funding Source	Amount
Pavement Major Maintenance Program (PMMP)	Gas Tax	\$90,000

Pavement Major Maintenance Program (PMMP) - This is a program of corrective and preventative maintenance on all paved streets in Tigard. The program is designed to provide additional service life to the streets and to keep them safe and serviceable. Streets included in this year's program are: Errol Street (between 112th Avenue and Fonner Street), Walnut Street (from Grant Avenue to Hwy 99W), Greenburg Road (between Center Street and Hwy 99W), and Summerfield Drive (200 feet north of Durham Road to 200 feet west of 116th Ct.)

Traffic Calming Program	Gas Tax	\$10,000
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This program provides funding for traffic calming measures Citywide. In the last few years, much of the funding was used to place speed humps on streets that clearly demonstrated the need for installation of these traffic-calming devices. A portion of this fund is used on a 50-50 cost sharing basis with residents for placement of speed humps on streets that do not make the year's list. This year's program includes installation of 3 speed humps on Park Street (between 110th Avenue and Watkins Avenue), 2 speed humps on 95th Avenue (between Shady Lane and North Dakota Street) and 1 speed hump on 130th Avenue (south of Hawksbeard Street). Other streets may be added depending upon neighborhood interest and the street ranking in the speed hump criteria rating system.

Street Striping Program	Gas Tax	\$18,000
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This is an annual program that provides funding for installation of new striping on streets that demonstrate the need for replacement of existing stripes, pavement markings and pavement markers. This year's program includes new striping at the 72nd Avenue/Dartmouth Street intersection, Greenburg Road (from 100 feet north of Shady Lane to 100 feet south of Cascade Avenue), Pfaffle Street (from Hall Boulevard to Hwy 99W), and Durham Road (from Upper Boones Ferry Road to 72nd Avenue).

Appendix A

Project	Funding Source	Amount
Bonita Road (Hall Blvd. to Fanno Creek Bridge)	Gas Tax	\$260,000
This segment of Bonita Road underwent major reconstruction in 1991. However, due to loss of subgrade support, the pavement surface has failed prematurely. Since correction of the failure requires more than normal maintenance effort, reconstruction of the street, including removal and replacement of the existing aggregate base and AC surfacing, is required. Construction of the project will begin in June and will be completed in the summer of this year. The total construction cost is \$260,000.		
Walnut Terrace (69th Ave to City Limits)	Gas Tax	\$80,000
	Storm Drainage	\$45,000
This completes the project initiated in FY 2002-03 by installing AC pavement on the existing unpaved street and constructing new curbs and driveway aprons. This project also upgrades the existing pipes and catch basins to divert the storm runoff into a proper drainage system. The scope of drainage work includes installation of approximately 750 feet of drainage pipe and construction of new manholes and basins.		
SW Nimbus Avenue Extension (Land Acquisition)	Gas Tax	\$30,000
The Washington Square Regional Center Plan identifies the extension of SW Nimbus Avenue to connect with Greenburg Road as a high priority project for future implementation. This provides funding for the land acquisition of approximately 8 acres of property within the corridor established for the road extension. This property is currently being marketed for sale. Purchase by the City at this time would ensure that the property does not become a future obstacle to the proposed road extension.		
Embedded Crosswalk Lights - (Walnut Street/Grant Ave intersection - Flashing Beacons)	Gas Tax	\$10,000
A pilot program began in FY 1999-2000 to install four crosswalk lighting systems at existing marked crosswalks in the City. This year's program provides funding to install a pole-mounted flashing light in each direction of travel for the crosswalk lights that were previously installed at the Walnut Street/Grant Avenue intersection. This safety enhancement to the lighted crosswalk is necessary because of the slight hump in the center of the intersection that may interfere with visibility of the embedded flashing lights.		
Tiedeman Avenue Railroad Crossings (south of North Dakota Street)	Gas Tax	\$28,000
This is another joint project between the City and Portland & Western Railroad, Inc. to repair deteriorated railroad crossings at various locations Citywide. The crossings at Main Street, 72 nd Avenue and North Dakota have been previously repaired through joint efforts with the railroad company. This project addresses the deteriorated crossings at Tiedeman Avenue. The project will reconstruct approximately 200 feet of existing aggregate base and AC pavement and adjust the railroad tracks to match the new pavement. The City will pay for the construction of the roadway approaches. Portland & Western will manage the project and will pay for all the work related to the adjustment of the tracks.		

Appendix A

Project	Funding Source	Amount
Commercial Street Sidewalk (95th to Main Street)	Gas Tax-\$26,600 CDBG-\$91,300	\$117,900

This project involves pedestrian improvements in the Tigard Town Center to support the commuter rail project. Sidewalks have been previously installed on 95th Avenue and Lincoln Avenue. This project closes a portion of the gap by connecting Lincoln Avenue to Main Street. This project has been submitted for funding under the MTIP Priorities 2004-07 project solicitation process. If the grant is not approved, the project will not be implemented. The project scope is widening of Commercial Street on the north side to provide a sidewalk connecting Lincoln Avenue to Main Street at the planned commuter rail station. It includes the realignment of Commercial Street underneath the Highway 99W overcrossing to provide space for the sidewalk. The gap between 95th Avenue and Lincoln Avenue will be programmed in a future year.

Hall Blvd Sidewalks @ Highway 217	Gas Tax \$12,036 CDBG \$71,958	\$83,994
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This would alleviate unsafe pedestrian conditions along Hall Boulevard by installing sidewalks within three gaps in the existing sidewalk system.

Gaarde Street Improvements-Phase 2	TIF - \$977,700	\$977,000
	Property Owner \$264,317	\$264,317
	Traffic Impact Fee - US	\$600,000
	Underground Utility	\$105,000
	Water	\$162,622
	Sanitary Sewer	\$62,300
	Total Project Cost	\$2,123,617

The extension of Gaarde Street from the Quail Hollow-West subdivision north to Walnut Street (Gaarde Street Improvements-Phase 1) was completed in August 2001. The second phase of the project is the widening of Gaarde Street between 121st Avenue and Highway 99W and the improvement of approximately 1,000 feet of 121st Avenue north of the Gaarde Street/121st Avenue intersection. Funding for this project includes a payment of \$264,317 made by Venture Properties, Inc. This payment is in lieu of constructing the road improvements as required for the development of the Whistler's Walk subdivision located west of 121st Avenue. Construction of this project began in early 2003 and will be completed by the end of calendar year 2004.

The Gaarde Street Phase 2 improvements impact the existing water infrastructure. Funding for the water-related improvements had been budgeted for FY 2002-03 with the project anticipated to begin in the fall of 2002. Because the project actually began in early 2003 and spans two fiscal years with completion in calendar year 2004, funding is also allocated for FY 2003-04. Approximately 1,500 lineal feet of water line will be relocated.

121st Avenue (Right-of-Way)	Traffic Impact Fee	\$100,000
	Traffic Impact Fee - US	\$100,000

121st Avenue between Gaarde Street and Walnut Street is proposed for widening to the ultimate width of a collector street. Although the project design is still in progress, the required rights-of-way have been identified for the improvements. The City TIF Fund and the TIF-Urban Services Fund will be utilized to purchase a portion of the land acquisition needed for the project. Construction and the remaining rights-of-way acquisition will be programmed in future budgets.

Appendix A

Project	Funding Source	Amount
Walnut Street (Right-of-Way)	Traffic Impact Fee	\$200,000
	Traffic Impact Fee - US	\$100,000

Walnut Street between 116th Avenue and the Tiedeman Avenue/Fonner Street intersection is proposed for widening to its ultimate width using collector standards. Although the project design is still in progress, the required rights-of-way have been identified for the improvements. The City TIF Fund and the TIF-Urban Services Fund will be utilized to purchase a portion of the land acquisition needed for the project. Construction and the remaining rights-of-way acquisition will be programmed in future budgets.

Greenburg Road (Washington Square Drive to Tiedeman Avenue)	TIF - \$85,000 Federal - \$660,000	\$745,000
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This project improves Greenburg Road from Washington Square Drive to Tiedeman Avenue. The bulk of the work will be to widen Greenburg Road between the Highway 217 overcrossing and Tiedeman Avenue to a 5-lane facility. The completed improvements would enhance movement into and out of the Washington Square Regional Center. The project design and land acquisition are funded through the Priorities 2000 & 2002 MTIP funds of \$660,000 with Tigard providing \$85,000 in matching funds. The total amount of \$745,000 reflects the entire amount needed for the project (both federal funding and the local matching funds). The project agreement for the project design and rights-of-way acquisition has been executed. The federal funds for the preliminary engineering work have been obligated and the design of the project is ready to begin. This project has been submitted and is still in contention for construction funding under the MTIP Priorities 2004-07 project selection process.

Bull Mountain/Roshak Road Intersection	Traffic Impact Fee - US	\$150,000
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This project widens Bull Mountain Road to add turning lanes at that intersection. The project should enhance safety by providing safer turning movements. The project includes minor drainage work and requires some land acquisition to accommodate the widened road. The preliminary design concept has been proposed to and approved by Washington County.

Wall Street Local Improvement District	TIF - \$ 150,000 LID – None at this time	\$150,000
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This project was initiated in FY 2002-03. The TIF Fund provides a total of \$250,000 for engineering design costs leading to completion of the Preliminary Engineer's Report. \$100,000 has been allocated for FY 2002-03 and \$150,000 for FY 2003-04. Any funding for work beyond the Preliminary Engineer's Report will be provided primarily through the Local Improvement District, if it is formed.

Hall Blvd/Wall St Intersection and Approaches	TIF- \$600,000 Library - \$568,000 Property Owner- \$118,466	\$1,286,466
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This project is the design and construction of the Hall Boulevard/Wall Street intersection and approaches. It includes widening of Hall Boulevard to provide a 3-lane facility, construction of 425 feet of Wall Street, and signalization of the intersection. Funding for this project includes payments made by the Library Project and Polygon Northwest Company, the Fanno Pointe Condominiums developer. The payments are in lieu of constructing half-street improvements as required for the development of their respective properties.

Appendix A

PARKS SYSTEM PROGRAM

The Parks System Program contains land acquisition for new or expanded parks and open spaces and improvements to existing parks. The primary source of funding for these projects is the Parks CIP Fund. The Metro Greenspaces Fund and the Tree Replacement Fund provide additional funding. The funding available from these funds are transferred into the Parks CIP fund for implementation of the projects in the CIP.

Parks CIP Fund

The Parks CIP fund is the City’s primary and most consistent funding source for park improvements. The amounts available from the various other parks-related funds will be consolidated under this fund. The fee schedule was adopted in 1996 and applies to new development within the incorporated area.

Metro Greenspaces Fund

The Metro Greenspaces Fund is used for purchases of open spaces using Tigard's share of the Metro Open Spaces, Parks, and Streams bond proceeds. Funds are provided on a reimbursement basis and can only be used for purchase of open spaces and limited capital improvements.

Tree Replacement Fund

Developers in Tigard are required to protect as many trees as possible when property is developed. They are given the option, however, when it is not feasible to protect all trees, to pay a fee to the City. This fee is used to plant trees in other areas of the City requiring more trees. These fees are accounted for in the Tree Replacement Fund.

The following are the proposed projects for FY 2003-04:

Fanno Creek Trail/Grant to Main Street Trail segment	Parks Capital SDC - \$47,808.00 ORPD Grant - \$ 52,192	\$100,000
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This is part of the Fanno Creek Trail System. This segment connects Main Street to Grant Avenue.

Bonita Park @ Milton Court	Park SDC -\$50,000 CDBG Funds - \$55,400	\$105,400
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This project will construct a neighborhood park, which includes a basketball court, playground equipment, trails, and open space.

Embedded Crosswalk - Bonita Park @ Milton Court	Park SDC CDBG Funds - \$35,000 Gas Tax - \$25,000	\$60,000
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Bonita Park will include a basketball court, playground, and sidewalks with greenspace. To enhance safe crossing of Bonita Road for those wishing to access the park, an embedded crosswalk lighting system will be constructed at the Milton court intersection.

Fanno Creek Trail Extension - Library Site	Parks SDC \$50,000 RTP Grant - \$51,486	\$101,486
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Appendix A

Project	Funding Source	Amount
This continues the Fanno Creek Trail System through the new Library site.		
Summerlake Park Development (Shelter for dog park)	Parks SDC \$20,000	\$20,000
The shelter for the Summerlake off leash area will be a small 16 ft. by 16 ft square shelter. The posts and support structure will be steel beams. The roof will be green metal like the buildings at Cook Park. The shelter will be permanent either mounted on the cement pad or with the posts buried in the concrete. The structure may be either a kit or stick built on site. This structure was identified in the original money set aside for the off leash area in 02-03. This is intended as a place to get out of the rain or sun.		
Skate Park Development	Park Capital Private funds \$390,000	\$390,000
This project will construct a new skate park, parking and landscaping.		
Tree Planting	Tree Replacement	\$50,000
This continues the yearly program to plant new trees, remove old and hazardous trees, and maintain and protect existing trees.		

SANITARY SEWER SYSTEM PROGRAM

The Sanitary Sewer System Program contains projects to construct, maintain, and improve the sanitary sewer system in Tigard. The Clean Water Services Agency of Washington County (CWS) and the City of Tigard have entered into an agreement for cooperative operation of the Sanitary Sewer System. The City owns, maintains and operates the system within certain limits in a defined service area under that agreement with CWS. Projects are accounted for in the Sanitary Sewer Fund.

Sanitary Sewer Fund

The Sanitary Sewer Fund resources are reserved for maintenance repairs on currently unknown projects, for capacity upgrades as recommended from the CWS Master Plan, and for the Neighborhood and Commercial Area Sewer Extension Programs. The unrestricted portion of the Sanitary Sewer Fund can be used for repair and maintenance projects Citywide and for extension of the existing system to unsewered areas. The establishment of the 5-year Citywide Sewer Extension Program by City Council provides for the installation of sewer service to all developed but unserved areas Citywide. The funding for these projects will be recouped through the formation of reimbursement districts for the installation of the sewer lines.

Appendix A

110th Avenue (at Derry Dell Creek)	Sanitary Sewer	\$70,000
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This project will relocate an existing pipe that runs in the back of two private properties on 110th Avenue. The grade of the existing pipe is extremely poor and there is evidence of severe bellying. The existing pipe will be abandoned and the new pipe will be installed under the creek. Construction of this project will need to be from July 1 to September 30 to meet to the in-water work window required by environmental permits.

Citywide Sewer Extension Program	Sanitary Sewer	\$750,000
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The Citywide Sewer Extension Program is a long-term program to extend sewers to all developed but unserved areas Citywide. The City uses the formation of reimbursement districts to construct the sewers. On the average, the City constructs five reimbursement districts a year to provide approximately 120 to 130 connections to existing homes. The Commercial Area Sewer Extension Program is also funded from the Sanitary Sewer Fund and offers the same opportunity to commercial entities that may wish to participate in a reimbursement district for extension of sewer service to a commercial area.

Sanitary Sewer Major Maintenance Program	Sanitary Sewer	\$40,000
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These funds would be used to contract out sewer repair projects that are beyond the repair capabilities of the Public Works Department. This program is expected to be a continuing program in future years. The Sanitary Sewer Major Maintenance Program in FY 2003-04 will include sewer repair projects located at various locations in the City.

STORM DRAINAGE SYSTEM PROGRAM

The Storm Drainage System Program contains projects to construct, maintain, and improve the storm drainage system in Tigard. The Clean Water Services Agency of Washington County (CWS) regulates the storm drainage system, but Tigard owns, maintains and operates the system within the City limits. Projects are funded from the Storm Sewer Fund and the Water Quality/Quantity Fund.

Storm Sewer Fund

The Storm Sewer Fund CIP is supported from storm drainage charges and Systems Development Charges (SDCs). SDC funds must be used for projects designated in the CWS master plan.

Water Quality/Quantity Fund

Water Quality/Quantity fees are collected by the City on certain development activities in the City. These charges, which were instituted by CWS, are used to fund offsite surface water system improvements, water quality enhancement projects, and capacity improvements to the storm drainage system.

The following are the proposed projects for FY 2003-04:

Storm Drain Pipe Rehabilitation	Storm Sewer	\$100,000
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Appendix A

The Storm Drain Pipe Rehabilitation Program was initiated in FY 2001-02. Since then, approximately 1,500 feet of existing pipes have been rehabilitated using a trenchless construction method that prevents damage to the existing pavement. The City's television inspection reports identify 4,500 feet of storm drain pipes that are seriously damaged and need to be repaired or replaced. This project continues the program by rehabilitating 1,000 feet of pipes through installation of cured-in-place pipes inside the existing pipes utilizing the trenchless construction method.

Storm Drainage Major Maintenance Program	Storm Sewer	\$80,000
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This program addresses minor storm drainage problems requiring more than normal maintenance effort. One of the projects of this year's program includes erosion control along Fanno Creek at DeAnn Court.

Fanno Creek Trail Wetland Mitigation Monitoring	Storm Sewer	\$10,000
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For construction of the Fanno Creek trails, the permit issued by the DSL and the Corps of Engineers requires that the mitigation area be monitored for a period of three years. An environmental consultant has monitored the success of the wetland enhancement and prepared an annual report to be submitted to the agencies. The first and second monitoring reports were submitted in 2001 and 2002 respectively. The final monitoring report is due by December 1, 2003.

Gaarde Street Phase 2 Wetland Mitigation	Storm Sewer	\$6,000
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This project provides mitigation measures that were required by the DSL, the Corps of Engineers and CWS to offset the loss of 0.009 acres of wetland associated with the widening of Gaarde Street. The offsite mitigation area is along the Fanno Creek Greenway immediately north of Tigard Street. The vegetated enhancement area is located along the Fanno Creek trail south of the Burnham Business Park. The project will provide initial vegetation management and plant installation during the summer and fall of 2003.

Storm Debris Processing Center	Storm Sewer	\$37,500
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This project is for the establishment of a storm debris processing center.

Summer Lake Improvements	Water Quality/Quantity	\$10,000
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This continues the flow monitoring of Summer Lake. The City has a contract with the County Watermaster to perform the flow-monitoring work.

Appendix A

WATER SYSTEM PROGRAM

The Water System Programs contains projects to construct, improve, maintain and replace Tigard's water system. The Tigard water service area provides water to two-thirds of Tigard, the City of King City, the City of Durham and an unincorporated area under the jurisdiction of the Tigard Water District. In May of 2000 a 20-year CIP schedule was completed. This document was updated in September of 2002. This document serves as the backbone for the CIP projects. Not included in this document, however are capital maintenance projects or projects needed to coordinate with other City CIP projects such as street improvements and possibly LID's. Projects are funded by three main funds: the Water Fund, the Water SDC Fund and Water CIP Fund.

Water Fund

The Water Fund is the primary operating and maintenance fund of the water system. Revenues come from water sales and connection fees. This fund supports operation, major capital maintenance and some system improvements not eligible for funding from System Development Charges (SDC's).

Water SDC Fund

The Water SDC Fund receives revenue from System Developments Charges (SDC's) charged to new development. This fund can only be used for improvements to expansion of the current water system needed to support new customers.

Water CIP Fund

The Water CIP Fund is presently reserved for projects to develop a new long-term water supply for the system. An example of a project previously paid for by this fund is the Aquifer Storage and Recovery (ASR) well.

The following are the proposed projects for FY 2003-04:

On-Going Projects For Water Fund	Funding Source	Amount
1 ½-inch and Larger Water Meter Replacements	Water	\$40,000

The large meter replacement program is for the systematic testing, repair and/or replacement of all 1 ½-inch and larger water meters. Testing and or replacement of this size water meters have been shown to make financial sense in that the investment is recouped by the additional revenues received by accurate meters.

1-inch and Smaller Water Meter defective or malfunctioning Meter Replacements	Water	\$15,000
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Eighty percent of the existing water meters fall into this category. Demographics of this group include predominately residential meters, irrigation meters, small businesses and restaurants. This will be the program's sixth year. These size meters do not warrant testing, and defective meters are replaced.

Appendix A

On-Going Projects For Water Fund	Funding Source	Amount
New Water Meter Installations	Water	\$60,000
Meter installation represents the cost to install new water meters in subdivisions, minor land partitions and commercial properties. Water connection fees recover these costs.		
New Water Service Installation	Water	\$30,000
Funding covers direct taps into existing water main lines. A typical use would be minor land partitions, infill developments, etc. Water connection fees recover these costs.		
2-inch Service Line Replacements	Water	\$60,000
This program replaces existing 2-inch galvanized service lines with new copper service lines. There has been an observed increase in leaks on galvanized service lines. This program upgrades existing service lines and minimizes water loss due to leaks.		
Fire Hydrant Replacements	Water	\$50,000
This project replaces older fire hydrants in the service area. The focus is to update all 2-port 2 ½-inch fire hydrants to 3-port 5 ¼-inch fire hydrants. This is expected to be the last year needed to complete this project.		
New Projects		
Water Main Replacements	Water	\$78,750
This program is based on the needs identified in the “Water Distribution System Hydraulic Study.” As an example, piping replacements would coincide with Street Improvement Projects, looping of pipe, etc.		
Security Vulnerability Evaluation and Upgrades	Water	\$100,000
This is an EPA-mandated program to evaluate and mitigate security vulnerabilities.		
SCADA System	Water	\$175,000
In 1993, the Water Division installed a Supervisor Control and Acquisition Data Advisor (SCADA) system to monitor the 13 reservoir, 7 pump stations (which include 15 pumps and motors), 4 wells, 4 backup emergency generators, 4 meter vaults (with flow readings) and reporting capability. Since the installation, our current water system needs have approached the capabilities of the system and technical support is not supported on the West Coast. During the upgrade/replacement we will be evaluating better/quicker means of communicating (land lines, radio, DSL, etc.), installing industry standard equipment and providing better means of monitoring all of our water system with room for future system expansion.		

Appendix A

On-Going Projects For Water Fund	Funding Source	Amount
Master Pressure Reducing Valve Installations	Water	\$8,000

Master PRV installations, location and frequency are dependent on the location of new developments. Most installations are made in the service area on and around Bull Mountain. The City installs master regulator stations to control high pressures.

On-going Projects

Water Main Line Oversizing	Water SDC	\$50,000
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During the course of the year the City may find the need to upsize a planned pipeline through a new development, thus accomplishing an identified capital improvement as listed in the “Water Distribution Hydraulic Study.”

Alberta Rider School Improvements

The City has found it necessary to make adjustments in the CIP schedule to accommodate the schedule for the construction of a new school. The School District and the City have agreed to locate a new reservoir on a school site located near the intersection of SW Bull Mountain Road and 131st Ave. This project will plan, design and construct reservoir, piping and pump station improvements in the 550-foot service zone concurrent with the construction of the school.

New Projects

550-Foot Service Zone Reservoir #2 (3.0 million gallon), construction spans through FY 04/05	Water SDC	\$1,228,500
	Water Fund	\$588,000
	Total Project Costs	\$1,816,500

This reservoir will be located on the school district site (Rider School). Constructing this reservoir will eliminate some of the demand currently supplied by the Hi-Tor (713-foot service zone). Supply to the reservoir will be provided through the transfer pump station upgrade listed below.

Transfer Pump Station Upgrade, construction spans through FY 04/05	Water SDC	\$617,400
	Water Fund	\$485,010
	Total Project Costs	\$1,102,410

Construction of this improvement increases pumping capacity from 2,000 gpm to 3,300 gpm at the 713-Foot Service Zone and 3,900 gpm to the reservoir listed above. Along with the piping improvements listed below, the existing pump station at the Canterbury site will be abandoned.

Reservoir #2 supply Piping Improvements, construction spans through FY 04/05	Water SDC	\$74,692
	Water Fund	\$52,987
	Total Project Costs	\$127,679

This is needed for existing and future needs in both transmission and distribution to serve the new reservoir and pump station upgrade listed above.

Appendix A

On-Going Projects For Water Fund	Funding Source	Amount
Canterbury Hill Supply Piping, construction spans through FY 04/05	Water SDC	\$126,044
	Water Fund	\$89,416
	Total Project Costs	\$215,460
Various piping will be needed for increased transmission capacity to the Canterbury site from the new reservoir and pump station upgrade listed above. Piping improvements will allow abandonment of existing Canterbury Site Pump Station		
Canterbury Looped Piping Improvements, construction spans through FY 04/05	Water SDC	\$84,029
	Water Fund	\$59,610
	Total Project Cost	\$143,639
Piping improvements will create better fire flow, provide for future growth and remove dead end water quality problems		
Aquifer Storage and Recovery(ASR)	Water CIP	\$670,000
Last year, Tigard completed the pilot phase of the ASR program. With the positive results of the pilot, an additional ASR well is scheduled for this year. ASR provides the ability to inject water during the winter months in the aquifer (when water is plentiful), store the water in the aquifer for a few months, and then withdraw that same water in the summer months to help manage higher water demands.		
Feasibility Report, Phase II – Scoggins dam raise	Water CIP	\$230,929
As part of obtaining a long-term water source for the Tigard service area, the City is partnering with other Joint Water Commission owners (JWC) on the Scoggins Dam Raise feasibility report.		
Hillsboro Raw Water Pipeline Pre-Design	Water CIP	\$134,240
This project will connect the JWC treatment plant to headworks at Scoggins dam via pipeline. The purpose of the pipeline is to reduce evaporation and hence water loss from the existing waterway. It is estimated that 20% of the water from Scoggins dam is lost prior to the treatment plant.		
Bull Run Regional Phase III-Report	Water CIP	\$50,000
Phase III gives each agency the cost for the formation of the Proposed Bull Run Regional Drinking Water Agency.		

CITY FACILITIES SYSTEM PROGRAM

The City Facilities System Program contains projects to maintain, improve or expand general purpose city facilities (such as City Hall) or facilities which do not fit into any of the other CIP Programs (such as the Library). Funding for these projects comes from the General Fund or from the Facility Fund.

General Fund

The General Fund supports CIP projects of a general nature or which serve operations budgeted in the General Fund. The primary source of revenue is the property tax.

Appendix A

Facility Fund

The Facility Fund provides funding for major capital projects supporting General Fund programs. The primary sources of revenue for this fund are transfers from the General Fund or donations for specific projects.

The following are the proposed projects for FY 2003-04:

Library Construction	Facility Fund	\$7,038,000
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This funding continues the new Library construction through FY 2003-04. The library project is expected to be completed by August 2004.

HVAC Replacements - Senior Center	Facility Fund	50,000
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Access Control @ Water Building/ Canterbury/WB Gates & PW Annex	Facility Fund	\$90,000
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Seismic Upgrade @ Police Department	Facility Fund	\$40,000
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Space Planning for Water Building	Facility Fund	\$30,000
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Construction Drawings & Construction Administration for Library/City Hall Remodel	Facility Fund	\$139,380
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This sets aside funding for the preparation of construction drawings and for administration of the Library/City Hall remodel project.

I:\eng\gus\2003-04 CIP\Appendix A – Capital Improvement Program for FY 2003-04.doc

Appendix A

City of Tigard

Five-Year Capital Improvement Program Plan

(FY 2003-04 through FY 2007-08)

Capital Improvements

A capital improvement is a permanent addition to the City's fixed assets of major importance and cost. It includes but is not limited to construction and acquisition of new buildings, additions to or renovations of existing buildings, construction, reconstruction, and upgrading of streets, water, and sanitary sewer facilities, drainage improvements, demolition of existing structures, land purchases, major equipment purchases, and studies necessary to perform the actual project. A capital improvement should possess the following characteristics:

- It serves an essential public purpose.
- It has a long, useful life or significantly extends the useful life of an existing fixed asset.
- It is comparatively expensive and is not of routine nature.
- It is fixed in place or stationary.
- It is related to government functions and expenditures.
- It is a usual responsibility of a local government.

The City of Tigard's Five-Year Capital Improvement Plan

The City of Tigard's Capital Improvement Program (CIP) provides a 5-year plan for major capital expenditures that matches available resources with project needs. The CIP lists each proposed capital project, the time frame in which the project needs to be undertaken, the financial requirements of the project, and proposed methods of financing. The 5-year plan describes the first year's projects in detail and lists projects for subsequent fiscal years. However, the projects shown after the first year are tentative and are subject to change during the formulation process for each specific budget year.

The Capital Improvement Program (CIP) is reviewed and approved each year by the City Council. The CIP is developed through a process separate from, but parallel to, the City's Operating Budget formulation process. The CIP is developed in close coordination with the City's Finance Director and is eventually integrated into the City's overall budget for approval. The CIP, through the adoption process, establishes the budget and projects for the upcoming fiscal year and serves as a planning document to guide the infrastructure improvements over the following four years. During each budget year's update, the

Appendix B

revenue estimates are adjusted, the project cost estimates are reviewed, and the program and project priorities are re-evaluated based on changes in City plans, citizen input, and additional data which may become available.

The Five-Year Capital Improvement Program projects are shown in the following appendices:

- ◆ Appendix B-1: Street System Program
- ◆ Appendix B-2: Park System Program
- ◆ Appendix B-3: Sanitary Sewer System Program
- ◆ Appendix B-4: Storm Drainage System Program
- ◆ Appendix B-5: City Facilities System Program
- ◆ Appendix B-6: Water System Program

Appendix B

STREET SYSTEM PROGRAM

PROJECT	City TIF	Gas Tax	LID Funding	County Funds		Underground Utility	Federal Funding STIP	Total Costs
				Road/URMD	County TIF			
FY 2003-04								
Gaarde Street Improvements Phase 2	\$1,241,317				\$600,000	\$105,000		\$1,946,317
121st Avenue ROW	\$100,000				\$100,000			\$200,000
Walnut Street ROW	\$200,000				\$100,000			\$300,000
Pavement Major Maintenance Program		\$90,000						\$90,000
Street Striping Program		\$18,000						\$18,000
Wall Street LID			\$150,000					\$150,000
Dartmouth LID - Final Cost			\$9,319					
Traffic Calming Program		\$10,000						\$10,000
Walnut at Grant Flashing Beacons		\$10,000						\$10,000
Tiedeman Ave Railroad Crossing		\$28,000						\$28,000
Walnut Terrace (69th - to City Limits)		\$80,000						\$80,000
Commercial St Sidewalk (95th-Main St)		\$26,600					\$91,300	\$117,900
Bonita Rd from Hall to Bridge		\$260,000						\$260,000
Hall Blvd. Sidewalk Imp. (near Pfaffle/217)		\$83,994						\$83,994
SW Nimbus Ave. Extension (Land Acquisition)		\$30,000						\$30,000
Hall Blvd/Wall St Intersection & Approaches	\$1,286,466							\$1,286,466
Greenburg Road Design & ROW	\$85,000						\$660,000	\$745,000
Bull Mountain Rd/Roshak Rd Intersection					\$150,000			\$150,000

STREET SYSTEM PROGRAM

PROJECT	City TIF	Gas Tax	LID Funding	County Funds		Underground Utility	Federal Funding STIP	Total Costs
				Road/URMD	County TIF			
FY 2005-06								
Walnut Street Construction Completion	\$1,000,000					\$100,000		\$1,100,000
Hall Blvd/McDonald St. Intersection Imp ROW Acq.	\$50,000							
Pavement Major Maintenance Program		\$100,000						100000
Street Striping Program		\$15,000						15000
Traffic Calming Program		\$10,000						10000
Pedestrian Improvements		\$30,000						
County Roadway Maintenance Projects				\$50,000				50000
Underground Utility Reserve for Future Projects								0
Totals for FY 2005-06	\$1,050,000	\$155,000	\$0	\$50,000		\$100,000		\$1,355,000
FY 2006-07								
Walnut Street (Construction)	\$500,000							\$500,000
Scoffins/Hall/Hunziker Intersection Realignment Design	\$125,000							
Locust Street Design (Hall to Greenburg)	\$125,000							
Hall Blvd/McDonald St. Intersection Imp Const.	\$130,000							
Hall Blvd half-street imp. Bridge N to City Hall Ent	\$80,000							
Pavement Major Maintenance Program		\$100,000						100000
Street Striping Program		\$15,000						15000
Traffic Calming Program		\$10,000						10000
Embedded Crosswalk		\$55,000						
Pedestrian Improvements		\$30,000						
County Roadway Maintenance Projects				\$50,000				50000
Totals for FY 2006-07	\$960,000	\$210,000		\$50,000		\$0		\$1,220,000

STREET SYSTEM PROGRAM

PROJECT	City TIF	Gas Tax	LID Funding	County Funds		Underground Utility	Federal Funding STIP	Total Costs
				Road/URMD	County TIF			
FY 2007-08								
Greenburg Road Construction	\$200,300						\$1,788,700	\$1,989,000
121st Avenue Construction	\$800,000					\$240,000		\$1,040,000
Scoffins/Hall/Hunziker Intersection Realignment Design	\$125,000							
Locust Street Design (Hall to Greenburg) ???	\$125,000							
Pavement Major Maintenance Program		\$70,000						70000
Street Striping Program		\$15,000						15000
Traffic Calming Program		\$10,000						10000
Pedestrian Improvements		\$30,000						30000
County Roadway Maintenance Projects				\$50,000				50000
Totals for FY 2006-07	\$1,050,000	\$125,000		\$50,000		\$240,000		\$1,465,000

PARKS SYSTEM PROGRAM

PROJECT	Parks SDC - CIP	Donations	Total
FY 2003-04			
Fanno Creek Trail - Main to Grant Strret	\$100,000		
Fanno Creek Trail Extension - Library site	\$101,486		
Summerlake Park Development (Shelter for dog park)	\$20,000		
Skate Park Development		\$390,000	\$390,000
Tree Replacements	\$50,000		\$50,000
Bonita Park Project	\$105,400		
Bonita Park Embedded Crosswalk	\$60,000		
Totals for FY 2003-04	\$436,886	\$390,000	\$826,886
FY 2004-05			
Summerlake Park Development Phase II	\$200,000		\$200,000
-picnic shelter/shade structures/LL field reno/field irrigation, earthwork, utilities		\$80,000	
Tree Replacements	\$50,000		\$50,000
Jack Park Development	\$31,000		\$31,000
Totals for FY 2004-05	\$281,000	\$80,000	\$361,000
FY 2005-06			
Fanno Creek Park Development Phase I (Hall Blvd. to Library site - trails, landscaping, signage, public gathering places, gardens, furnishings	\$100,000		\$100,000
Washington Square Regional Center (loop trail, approximately 3,000 feet)	\$40,000		
Fanno Creek Park expansion - land acquisition	\$100,000		\$100,000
Northview Park development (install playground and soccer field)	\$45,000		\$45,000
Tree Replacements	\$50,000		\$50,000
Totals for FY 2005-06	\$335,000	\$0	\$335,000

PARKS SYSTEM PROGRAM

PROJECT	Parks SDC - CIP	Donations	Total
FY 2006-07			
Ash Creek Trail lan acquisition	\$100,000		\$100,000
Northview Park development (install playground and soccer field)	\$45,000		
Tree Replacments	\$50,000		\$50,000
Totals for FY 2006-07	\$195,000		\$195,000
FY 2007-08			
Jack Park Development	\$100,000		\$100,000
Tree Replacements	\$50,000		\$50,000
Totals for FY 2006-07	\$150,000		\$150,000

SANITARY SEWER SYSTEM PROGRAM

PROJECT	Sanitary Sewer Fund
Fy 2003-04	
110th Ave at Derry Dell Creek	\$70,000
Gaarde Street Phase II - Reimbursement Districts	\$62,300
Citywide Sewer Extension Program	\$750,000
Sanitary Sewer Major Maintenance	\$80,000
Totals for FY 2003-04	\$962,300
FY 2004-05	
Sanitary Sewer Major Maintenance	\$40,000
Gaarde Street Phase II - Reimbursement Districts	\$40,000
Citywide Sewer Extension Program	\$750,000
Totals for FY 2004-05	\$910,000
FY 2005-06	
Sanitary Sewer Major Maintenance	\$40,000
Citywide Sewer Extension Program	\$750,000
Totals for FY 2005-06	\$790,000
FY 2006-07	
Sanitary Sewer Major Maintenance	\$40,000
Citywide Sewer Extension Program	\$750,000
Totals for FY 2006-07	\$790,000
FY 2007-08	
Sanitary Sewer Major Maintenance	\$40,000
Citywide Sewer Extension Program	\$750,000
Totals for FY 2007-08	\$790,000

STORM DRAINAGE SYSTEM PROGRAM

PROJECT	Storm Sewer Fund	Water Quality Fund	Total Costs
FY 2003-04			
Storm Drainage Major Maintenance	\$80,000		\$80,000
Storm Drain Pipe Rehabilitation	\$100,000		\$100,000
Fanno Creek Trail Wetland Mitigation Monitoring	\$10,000		\$10,000
Gaarde Street (Phase 2) Wetland Mitigation	\$6,000		\$6,000
Walnut Terrace Storm Drainage	\$45,000		\$45,000
Storm Debris Processing Center	\$37,500		\$37,500
Summer Lake Improvements/Monitoring		\$10,000	\$10,000
Totals for FY 2003-04	\$278,500	\$10,000	\$288,500
FY 2004-05			
Storm Drainage Major Maintenance	\$80,000		\$80,000
Storm Drain Pipe Rehabilitation	\$100,000		\$100,000
Fanno Creek Trail Wetland Mitigation Monitoring	\$6,000		\$6,000
Gaarde Street (Phase 2) Wetland Mitigation	5,000		\$5,000
Storm Drainage Improvements	100,000		\$100,000
Summer Lake Improvements/Monitoring		\$10,000	\$10,000
Clean Water Services Master Plan Projects		\$150,000	\$150,000
Totals for FY 2004-05	\$291,000	\$160,000	\$451,000
FY 2005-06			
Storm Drainage Major Maintenance	\$60,000		\$60,000
Storm Drain Pipe Rehabilitation	\$100,000		\$100,000
Fanno Creek Trail Wetland Mitigation Monitoring	\$6,000		\$6,000
Gaarde Street (Phase 2) Wetland Mitigation	\$5,000		\$5,000
Storm Drainage Improvements	\$100,000		\$100,000
Clean Water Services Master Plan Projects		\$150,000	\$150,000
Totals for FY 2004-05	\$271,000	\$150,000	\$421,000
FY 2006-07			
Storm Drainage Major Maintenance	\$60,000		\$60,000
Storm Drain Pipe Rehabilitation	\$100,000		\$100,000
Gaarde Street (Phase 2) Wetland Mitigation	\$5,000		\$5,000
Walnut St Wetland Mitigation	\$10,000		\$10,000
Storm Drainage Improvements	\$100,000		\$100,000
Totals for FY 2004-05	\$275,000	\$0	\$275,000

STORM DRAINAGE SYSTEM PROGRAM

PROJECT	Storm Sewer Fund	Water Quality Fund	Total Costs
FY 2007-08			
Storm Drainage Major Maintenance	\$40,000		\$40,000
Storm Drain Pipe Rehabilitation	\$100,000		\$100,000
Gaarde Street (Phase 2) Wetland Mitigation	\$5,000		\$5,000
Walnut St Wetland Mitigation	\$5,000		\$5,000
Storm Drainage Improvements	\$100,000		\$100,000
Totals for FY 2004-05	\$250,000	\$0	\$250,000

CITY FACILITIES SYSTEM PROGRAM

PROJECT	City Facility Fund	Water Facility Fund	City Facility Fund	Total Project Cost
FY 2003-04				
New Library Construction	\$7,038,000			\$7,038,000
Access Control (Water Bldg., Canterbury Gates, PWA Doors) - Costs split between Water Storm, & Sanitary	\$90,000			\$90,000
HVAC Replacement - Senior Center	\$50,000			\$50,000
Seismic Upgrade - Police Department	\$40,000			\$40,000
Space planning for Water Building - Costs split with Water, Storm, & Sanitary	\$30,000			\$30,000
Old Library/City Hall Remodel (Construction drawings & administration)	\$139,380			\$139,380
Totals for FY 2003-04	\$7,387,380			\$7,387,380
FY 2004-05				
New Library Construction	\$2,932,000			\$2,932,000
Old Library/City Hall Remodel (Construction drawings & administration)	\$80,000			\$80,000
Totals for FY 2004-05	\$3,012,000			\$3,012,000
FY 2005-06				
Old Library/City Hall Remodel (Construction drawings & administration)	\$413,586			\$413,586
Totals for FY 2005-06	\$413,586			\$413,586

CITY FACILITIES SYSTEM PROGRAM

PROJECT	City Facility Fund	Water Facility Fund	City Facility Fund	Total Project Cost
FY 2006-07				
Miscellaneous City facility projects	\$200,000			\$200,000
Seismic Upgrade - Senior Center	\$45,000			\$45,000
	Totals for FY 2006-07	\$245,000		\$245,000
FY 2007-08				
Miscellaneous City facility projects	\$200,000			\$200,000
	Totals for FY 2006-07	\$200,000		\$200,000

WATER SYSTEM PROGRAM

PROJECT	Water Fund	Water SDC	Water CIP	Total Project Cost
FY 2003-04				
Program 1 1/2+ Meter Replacements	\$40,000			\$40,000
Replacement of Defective Meters	\$15,000			\$15,000
Meter Installations	\$60,000			\$60,000
Water Service Installations	\$30,000			\$30,000
Regulator Installations	\$8,000			\$8,000
Fire Hydrant Installations	\$50,000			\$50,000
2-Inch Service Line (Replacement)	\$60,000			\$60,000
Gaarde Street Phase II - Water Relocate	\$162,622			\$162,622
Water Main Replacement	\$78,750			\$78,750
Security Vulnerability Evaluations Upgrades	\$100,000			\$100,000
SCADA System	\$175,000			\$175,000
Water Main Oversizing Program		\$50,000		\$50,000
Secure 550' Reservoir 2 sites (land purchase)		\$175,000		\$175,000
ASR Phase II		\$80,000	\$670,000	\$750,000
Feasibility Report, Phase II Scoggins Dam Raise			\$230,929	\$230,929
Bull Run Regional Phase II Report			\$50,000	\$50,000
JWC Raw Water Pipeline Pre-design			\$134,240	\$134,240
Alberta Rider School Improvements				
550' Reservoir # 2 Construction			\$1,816,500	\$1,816,500
10 MGD Transfer Pump Station			\$1,102,410	\$1,102,410
Canterbury #2 Supply			\$861,840	\$861,840
550' Reservoir # 2 Supply			\$127,679	\$127,679
12" Canterbury Loop			\$143,639	\$143,639
Totals for FY 2003-04	\$779,372	\$305,000	\$5,137,237	\$6,221,609

WATER SYSTEM PROGRAM

PROJECT	Water Fund	Water SDC	Water CIP	Total Project Cost
FY 2004-5				
Program 1 1/2+ Meter Replacements	\$40,000			\$40,000
Replacement of Defective Meters	\$15,000			\$15,000
Meter Installations	\$60,000			\$60,000
Water Service Installations	\$10,000			\$10,000
Fire Hydrant Installations	\$50,000			\$50,000
2-Inch Service Line (Replacement)	\$60,000			\$60,000
Gaarde St. Phase II Water Relocate	\$50,000			\$50,000
Water Main Replacements	\$78,750			\$78,750
Security Volnerability Evaluations & Upgrades	\$50,000			\$50,000
Water Line Replacement - SW Walnut (Bill Hunter 11/25/02)	\$359,100	\$359,100		\$718,200
Replace Well House # 2 (Gaarde Site)	\$35,000			\$35,000
Water Main Oversizing Program		\$50,000		\$50,000
Secure 550' Reservoir 2 sites (land purchase)		\$175,000		
ASR Phase II			\$404,000	\$404,000
Feasibility Report, Phase II Scoggins Dam Raise			\$160,000	\$160,000
Bull Run Regional Phase II Report			\$25,000	\$25,000
Alberta Rider School Improvements				
550' Reservoir # 2 Construction			\$1,816,500	\$1,816,500
10 MGD Transfer Pump Station			\$1,102,410	\$1,102,410
Canterbury #2 Supply			\$861,840	\$861,840
550' Reservoir # 2 Supply			\$510,720	\$510,720
12" Canterbury Loop			\$574,559	\$574,559
Totals for FY 2004-05	\$807,850	\$584,100	\$5,455,029	\$6,846,979

WATER SYSTEM PROGRAM

PROJECT	Water Fund	Water SDC	Water CIP	Total Project Cost
FY 2005-6				
Program 1 1/2+ Meter Replacements	\$40,000			\$40,000
Replacement of Defective Meters	\$15,000			\$15,000
Meter Installations	\$60,000			\$60,000
Water Service Installations	\$10,000			\$10,000
Fire Hydrant Installations	\$50,000			\$50,000
2-Inch Service Line (Replacement)	\$40,000			\$40,000
Water Main Replacements	\$78,750			\$78,750
Water Line Replacement - SW Walnut (Bill Hunter 11/25/02)	\$359,100	\$359,100		\$718,200
Menlor Pump Station (41.5% existing capacity)	\$280,125			\$280,125
Menlor Pump Station (58.5% future)		\$394,875		
Water Main Oversizing Program		\$50,000		\$50,000
Totals for FY 2005-06	\$932,975	\$803,975	\$0	\$1,736,950
FY 2006-7				
Program 1 1/2+ Meter Replacements	\$40,000			\$40,000
Replacement of Defective Meters	\$15,000			\$15,000
Meter Installations	\$60,000			\$60,000
Water Service Installations	\$10,000			\$10,000
Fire Hydrant installations	\$50,000			\$50,000
Water Main Replacements	\$78,750			\$78,750
550 #1 Reservoir Design (42% existing capacity)	\$612,125			\$612,125
Abandonment of #1 Pump Station	\$52,500			\$52,500
Water Main Oversizing Program		\$50,000		\$50,000
5005 #1 Reservoir Design (58% future)		\$862,850		\$862,850
ASR Phase II			\$701,000	\$701,000
Totals for FY 2006-07	\$918,375	\$912,850	\$701,000	\$2,532,225

WATER SYSTEM PROGRAM

PROJECT	Water Fund	Water SDC	Water CIP	Total Project Cost
FY 2007-08				
Program 1 1/2+ Meter Replacements	\$40,000			\$40,000
Replacement of Defective Meters	\$15,000			\$15,000
Meter Installations	\$60,000			\$60,000
Water Service Installations	\$10,000			\$10,000
Fire Hydrant installations	\$50,000			\$50,000
Water Main Replacements	\$78,750			\$78,750
550 #1 Reservoir Design (42% existing capacity)	\$612,125			\$612,125
150th Ave 12" Improvements (77.4 existing capacity)	\$132,354			\$132,354
Water Main Oversizing Program		\$50,000		\$50,000
5005 #1 Reservoir Design (58% future)		\$862,850		\$862,850
150th Ave 12" Improvements (22.6% future)		\$38,646		\$38,646
Totals for FY 2006-07	\$998,229	\$951,496	\$0	\$1,949,725

UNFUNDED STREET SYSTEM PROGRAM PROJECTS

Preventative and Corrective Maintenance Projects

The following are brief descriptions of some of the unfunded Street System projects considered for Gas Tax Funding in FY 2003-04.

- A large number of streets are in need of preventative and corrective maintenance, but were not included in FY 2003-04 because of funding limitations. Segments of 72nd Avenue, Durham Road, Ross Street, 67th, 69th (North of Dartmouth), Thorn Street, 121st Avenue, North Dakota Street (north of Greenburg Road), Greenburg Road, and others are currently in need of reconstruction, repair or pavement overlay to improve pavement condition and rideability. \$750,000
- 98th Avenue (Greenburg Road to Pihass Court) - This project will acquire right-of-way and widen approximately 750 feet of 98th Avenue on the west side of the street, construct curb and sidewalk and connect to an existing sidewalk on 98th Avenue at Pihass Court. Minor drainage improvements are also included in the project. \$220,000
- Mapleleaf Street - This project will widen the existing pavement on the north side of Mapleleaf Street (east of 72nd Avenue) to the standard width of a typical local street and extend the existing curb and sidewalk to 72nd Avenue. \$65,000

Totals

\$1,035,000

The following unfunded projects are some of the major reconstruction and widening projects that are needed to accommodate the existing and future traffic on the City's arterials, collectors, and neighborhood routes:

Street Major Reconstruction and Expansion Projects

Category	Project	Project Cost
Collectors and Arterials		
	121st Avenue – Walnut to North Dakota	\$2,030,000
	Walnut Street – Tiedeman to 121st	\$4,990,000
	121st Avenue – Gaarde to Walnut	\$3,760,000
	Burnham Street – Main to Hall	\$1,570,000
	Tiedeman Ave. – Greenburg to Tigard St.	\$860,000
	Greenburg Road Construction (Shady Lane to Tiedeman Avenue)	\$2,000,000
	72 nd Avenue - Hampton to Dartmouth	\$1,500,000
	72 nd Avenue – Dartmouth to Highway 99W	\$2,200,000
Neighborhood Routes		
	Fonner Street - Walnut to 115th Avenue	\$1,570,000
	Tigard Street – Main to Tiedeman (south side)	\$990,000
	Commercial Street (North side, Main St. to Lincoln St.)	\$460,000
Totals		\$21,930,000

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APPENDIX C

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2003-04

PREPARED BY: Craig Prosser DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Oregon Local Budget Law requires that a budget for the following fiscal year be adopted by the City Council prior to July 1, after approval by the Budget Committee and after a public hearing has been held before the City Council.

STAFF RECOMMENDATION

Staff recommends adoption of the FY 2003-04 Budget and approval of the Police Department to apply for two Domestic Preparedness Equipment Program Grants.

INFORMATION SUMMARY

The Tigard Budget Committee (comprised of the City Council plus five citizens) held four meetings on the City Manager's Proposed FY 2003-04 Budget in April and May, 2003. On May 19, 2003 the Budget Committee approved the Proposed Budget with amendments and forwarded the Budget to the City Council for adoption.

Oregon Local Budget Law gives the governing body of the jurisdiction authority to make certain changes in the Approved Budget prior to Adoption. The City Council may adjust resources or expenditures up or down as long as the increase in a fund does not exceed 10% of the fund total. No adjustments to the Approved Budget have been proposed.

The total FY 2003-04 City of Tigard Budget will be \$71,558,606.

It is also the intent of the City's Police Department to apply for two Domestic Preparedness Grants for a combined estimated total of \$149,244. These federal dollars are available through grants from the State of Oregon. The grants funds would be used to purchase 30 automatic external defibrillators and a forensic video assessment system. The Police Department is requesting approval from the Council to apply for these two grants.

OTHER ALTERNATIVES CONSIDERED

Since no amendments have been proposed, no other alternatives are being considered. By Oregon law, the FY 2003-04 Budget must be adopted by the City Council prior to July 1, 2003.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The Approved Budget reflects the Vision Task Force Goals.

ATTACHMENT LIST

Resolution Adopting Budget
Exhibit A (Schedule of Appropriations)

FISCAL NOTES

The Approved Budget includes total appropriations of \$71,558,606. The resolution also levies general property taxes at the City's permanent rate \$2.5131 per thousand and levies general obligation debt service property taxes in the amount of \$619,727.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2003-04.

WHEREAS, the budget for the City of Tigard for the year beginning July 1, 2003 was duly approved and recommended to the City Council by the regularly constituted Budget Committee at it's meeting on May , 2003, after proceedings in accordance with Chapter 294, Oregon Revised Statutes; and

WHEREAS, a summary of the budget as required by Chapter 294.416 was duly published in the Tigard Times, a newspaper of general circulation in the City accordance with Chapter 294.421; and

WHEREAS, a hearing by the Tigard City Council on the budget document, as approved by the Budget Committee, was duly called and held on June 10, 2003, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget; and

WHEREAS, certain City funds have either been consolidated or the projects associated with some funds have been completed and the fund is no longer needed; and

WHEREAS, it is the intent of the City's Police Department to apply for two Domestic Preparedness Equipment Program Grants for a combined estimated total of \$149,244.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council adopts the budget for FY 2003-04 in the total amount of \$71,558,606.

SECTION 2: The appropriations for the fiscal year beginning July 1, 2003 are established as shown in attached Exhibit A.

SECTION 3: The County Gas Tax, Metro Greenspaces, Park Levy Improvement, and 69th Avenue LID Funds are dissolved.

SECTION 4: The Council approves the Police Department applying for the two Domestic Preparedness Equipment Program Grants.

SECTION 4: The City of Tigard City Council hereby levies property taxes for the General Fund at the City's permanent rate of \$2.5131 per thousand dollars of assessed value. The City Council also hereby levies \$619,727 for general obligation debt service. These taxes are hereby levied upon all taxable property within the district as of July 1, 2003. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy:

SECTION 5: This resolution is effective immediately upon passage.

RESOLUTION NO. 03 -

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
General Fund				
	Community Services	\$9,217,266	\$220,746	\$9,438,012
	Public Works	2,465,760	4,240	2,470,000
	Development Services	2,362,362	466	2,362,828
	Policy and Administration	301,385	9,390	310,775
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	3,901,507	29,609	3,931,116
	Capital Improvements	0	0	0
	Contingency	1,000,000	0	1,000,000
	Total Fund	\$19,248,280	\$264,451	\$19,512,731
Sanitary Sewer Fund				
	Community Services	\$0	\$0	\$0
	Public Works	626,388	1,495	627,883
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	289,608	745	290,353
	Capital Improvements	922,300	0	922,300
	Contingency	282,000	0	282,000
	Total Fund	\$2,120,296	\$2,240	\$2,122,536
Storm Sewer Fund				
	Community Services	\$0	\$0	\$0
	Public Works	592,077	948	593,025
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	456,304	1,021	457,325
	Capital Improvements	278,500	0	278,500
	Contingency	200,000	0	200,000
	Total Fund	\$1,526,881	\$1,969	\$1,528,850
Water Fund				
	Community Services	\$0	\$0	\$0
	Public Works	4,875,443	4,376	4,879,819
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	2,770,799	2,033	2,772,832
	Capital Improvements	526,750	252,622	779,372
	Contingency	1,086,000	0	1,086,000
	Total Fund	\$9,258,992	\$259,031	\$9,518,023
Water SDC Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	392,578	0	392,578
	Capital Improvements	225,000	0	225,000
	Contingency	203,500	0	203,500
	Total Fund	\$821,078	\$0	\$821,078
Water CIP Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	1,929,032	0	1,929,032
	Transfer	0	0	0
	Capital Improvements	4,086,617	404,240	4,490,857
	Contingency	902,000	0	902,000
	Total Fund	\$6,917,649	\$404,240	\$7,321,889
Water Quality/Quantity Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	1,079	1	1,079
	Capital Improvements	10,000	0	10,000
	Contingency	1,660	0	1,660
	Total Fund	\$12,739	\$1	\$12,739
Criminal Forfeiture Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	62,220	0	62,220
	Capital Improvements	0	0	0
	Contingency	0	0	0
	Total Fund	\$62,220	\$0	\$62,220

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
Gas Tax Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	418,000	0	418,000
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	1,357,495	2,258	1,359,753
	Capital Improvements	687,894	70,000	757,894
	Contingency	154,000	(30,000)	124,000
	Total Fund	\$2,617,389	\$42,258	\$2,659,647
Parks Capital Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	278,075	0	278,075
	Transfer	0	0	0
	Capital Improvements	806,886	20,000	826,886
	Contingency	162,000	0	162,000
	Total Fund	\$1,246,961	\$20,000	\$1,266,961
Traffic Impact Fee Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	240,808	82	240,890
	Capital Improvements	3,309,166	0	3,309,166
	Contingency	495,000	0	495,000
	Total Fund	\$4,044,974	\$82	\$4,045,056

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
Traffic Impact Fee Urban Services Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	40,013	36	40,049
	Capital Improvements	950,000	0	950,000
	Contingency	148,000	0	148,000
	Total Fund	\$1,138,013	\$36	\$1,138,049
Building Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	1,190,263	0	1,190,263
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	484,426	720	485,146
	Capital Improvements	0	0	0
	Contingency	250,000	0	250,000
	Total Fund	\$1,924,689	\$720	\$1,925,409
Electrical Inspection Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	190,553	141	190,695
	Capital Improvements	0	0	0
	Contingency	28,000	0	28,000
	Total Fund	\$218,553	\$141	\$218,695
Underground Utility Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	0	0	0
	Capital Improvements	105,000	0	105,000
	Contingency	15,000	0	15,000
	Total Fund	\$120,000	\$0	\$120,000

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
Insurance Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	0	0	0
	Capital Improvements	0	0	0
	Contingency	0	0	0
	Total Fund	\$0	\$0	\$0
Urban Services Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	512,391	419	512,810
	Capital Improvements	238,763	(238,763)	0
	Contingency	111,000	0	111,000
	Total Fund	\$862,154	(\$238,344)	\$623,810
Tree Replacement Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	30,000	0	30,000
	Capital Improvements	0	0	0
	Contingency	0	0	0
	Total Fund	\$30,000	\$0	\$30,000

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
SW Dartmouth LID/CIP Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	0	0	0
	Capital Improvements	9,319	0	9,319
	Contingency	0	0	0
	Total Fund	\$9,319	\$0	\$9,319
Facility Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	568,000	0	568,000
	Capital Improvements	7,387,380	0	7,387,380
	Contingency	1,190,000	0	1,190,000
	Total Fund	\$9,145,380	\$0	\$9,145,380
Wall Street LID Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	0	0	0
	Capital Improvements	150,000	0	150,000
	Contingency	0	0	0
	Total Fund	\$150,000	\$0	\$150,000
Central Services Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	3,562,471	37,986	3,600,457
	General Government	394,920	0	394,920
	Debt Service	0	0	0
	Transfer	73,612	2	73,614
	Capital Improvements	0	0	0
	Contingency	249,000	0	249,000
	Total Fund	\$4,280,003	\$37,988	\$4,317,991
Fleet/Property Management Fund				
	Community Services	\$0	\$0	\$0
	Public Works	806,100	268	806,368
	Development Services	0	0	0

Exhibit A
Schedule of Appropriations
Fiscal Year 2003-04
Resolution No. 03-

Fund	Program	Proposed	Budget Committee Changes	Approved
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	0	0	0
	Transfer	74,319	322	74,641
	Capital Improvements	0	0	0
	Contingency	60,000	0	60,000
	Total Fund	\$940,419	\$590	\$941,009
G/O Bond Debt Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	1,014,395	0	1,014,395
	Transfer	0	0	0
	Capital Improvements	0	0	0
	Contingency	0	0	0
	Total Fund	\$1,014,395	\$0	\$1,014,395
Bancroft Bond Debt Fund				
	Community Services	\$0	\$0	\$0
	Public Works	0	0	0
	Development Services	0	0	0
	Policy and Administration	0	0	0
	General Government	0	0	0
	Debt Service	3,052,820	0	3,052,820
	Transfer	0	0	0
	Capital Improvements	0	0	0
	Contingency	0	0	0
	Total Fund	\$3,052,820	\$0	\$3,052,820
Total Appropriations		\$70,763,203	\$795,403	\$71,558,606

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 28 (SW O'Mara, McDonald Streets)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval of the attached Resolution forming the Reimbursement District.

INFORMATION SUMMARY

The proposed project would provide sewer service to thirty six lots along SW O'Mara Street and adjacent portions of SW Frewing Street, Edgewood Street, Hill View Court, and McDonald Street. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 (\$2,435 after June 30, 2003) before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Proposed Resolution
 Exhibit A- City Engineer's Report
 Exhibit B- Map
Vicinity Map
Notice to Owners
 Mailing List
Resolution 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 28 (SW O'MARA, MCDONALD STREETS)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 28", attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 28, SW O'Mara, McDonald Streets."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

I:\ENG\2002-2003 FY CIP\O'Mara-McDonald Reimbursement Dist No. 28\City Council Agenda of 6-10-3\Resolution est.doc

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 28
(SW O'Mara and McDonald Streets)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 (\$2,435 after June 30, 2003) and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW O'Mara Street would be extended west from between SW Hill Street and SW Frewing Street to serve thirty six lots as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction is \$375,460. Engineering and inspection fees amount to \$50,690 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$426,150. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 (\$2,435 after June 30, 2003) connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from about 14,000 square feet to over 38,000 as can be seen on the attached list of owners in. Therefore, it is recommended that the total cost of the project be divided among the thirty six properties proportional to the square footage of each property.

Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.60 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 3, 2003

Agustin P. Duenas, P.E.
City Engineer

Reimbursement District #28

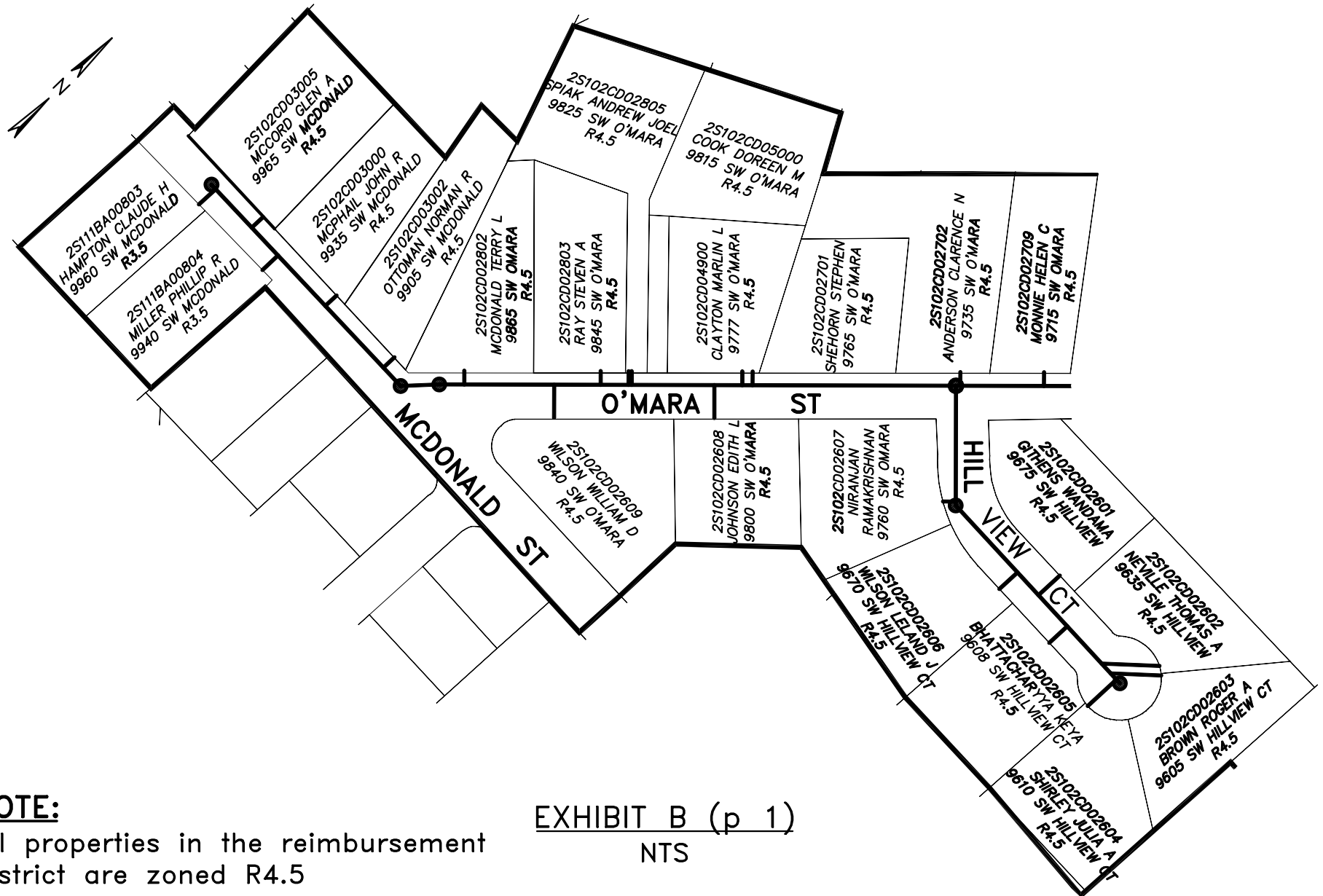
Estimated Cost to Property Owners

			ESTIMATED COST TO PROPERTY OWNER	
OWNER	SITE ADDRESS	AREA (S.F.)		
1 BAYARD LAUREN &	9620 SW FREWING ST	20637.64	\$12,419	
2 DOWD LARRY & LAURA	9600 SW FREWING ST	21361.74	\$12,855	
3 BOYDSTUN DENNIS GREGORY	9585 SW O'MARA ST	30515.00	\$18,363	
4 FUCHS ARNOLD C & SHIRLEY K	9530 SW O'MARA ST	38692.36	\$23,284	
5 DURFEE STANLEY D & CYNTHIA A	9580 SW O'MARA ST	18304.62	\$11,015	
6 BATES VIRGINIA A	9680 SW O'MARA ST	35470.82	\$21,345	
7 MCDILL STEVEN J & KIMBERLY C	9630 SW O'MARA ST	25842.80	\$15,551	
8 WHITEMAN TEX R LEWAHNA	9530 SW EDGEWOOD	35818.39	\$21,554	
9 GITHENS WANDAMA TRUSTEE	9675 SW HILLVIEW CT	15689.58	\$9,442	
10 NEVILLE THOMAS A &	9635 SW HILLVIEW CT	15244.34	\$9,174	
11 BROWN ROGER A & JENNIFER A	9605 SW HILLVIEW CT	14935.36	\$8,988	
12 SHIRLEY JULIA A	9610 SW HILLVIEW CT	16247.55	\$9,777	
13 BHATTACHARYYA KEYA	9608 SW HILLVIEW CT	16188.05	\$9,741	
14 WILSON LELAND J & TAMMIE L	9670 SW HILLVIEW CT	15550.98	\$9,358	
15 NIRANJAN RAMAKRISHNAN &	9760 SW OMARA ST	18010.91	\$10,838	
16 JOHNSON EDITH L TRUSTEE	9800 SW O'MARA ST	14850.93	\$8,937	
17 WILSON WILLIAM D JR AND	9840 SW O'MARA ST	20431.40	\$12,295	
18 PARKER WALTER J & LOLA B	9615 SW O'MARA ST	13803.70	\$8,307	655 Stone Creek Dr. LA Center Wa, 98629
19 SHEHORN STEPHEN LEE	9765 SW O'MARA ST	15382.78	\$9,257	
20 ANDERSON CLARENCE N TR	9735 SW O'MARA ST	24166.33	\$14,543	
21 PARKER WALTER J & LOLA B	9615 SW O'MARA ST	28910.26	\$17,397	655 Stone Creek Dr. LA Center Wa, 98629
22 GARNANT DAVID G & JOYCE	9625 SW O'MARA ST	16551.32	\$9,960	
23 WORLEY MARTHA W	9695 SW O'MARA ST	16608.92	\$9,995	
24 MONNIE HELEN C & MICHAEL D &	9715 SW OMARA ST	15266.46	\$9,187	
25 KOLB DAVID & JANE F TRS	9645 SW O'MARA ST	17259.97	\$10,387	
26 STRAND DAVID E	9675 SW OMARA ST	16235.91	\$9,770	
27 MCDONALD TERRY L/DIANE L	9865 SW OMARA ST	15547.83	\$9,356	
28 RAY STEVEN A & DEBORAH M	9845 SW O'MARA ST	17039.10	\$10,254	
29 SPIAK ANDREW JOEL	9825 SW O'MARA ST	22452.38	\$13,511	
30 MCPHAIL JOHN R & LEANN	9935 SW MCDONALD ST	14429.69	\$8,683	
31 OTTOMAN NORMAN R TRUSTEE	9905 SW MCDONALD ST	15548.13	\$9,356	
32 MCCORD GLEN A & ELIZABETH A	9965 SW MCDONALD ST	20566.85	\$12,377	
33 CLAYTON MARLIN L	9777 SW O'MARA ST	16340.51	\$9,833	
34 COOK DOREEN M	9815 SW O'MARA ST	18182.66	\$10,942	
35 HAMPTON CLAUDE H	9960 SW MCDONALD ST	15038.60	\$9,050	
36 MILLER PHILLIP R	9940 SW MCDONALD ST	15038.33	\$9,050	

OWNER ADDRESS

Totals 708162.22 \$426,151.46

O'MARA, MCDONALD
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #28
A PORTION OF THE SW 1/4 OF SECTION 2 T2S R1W W.M.



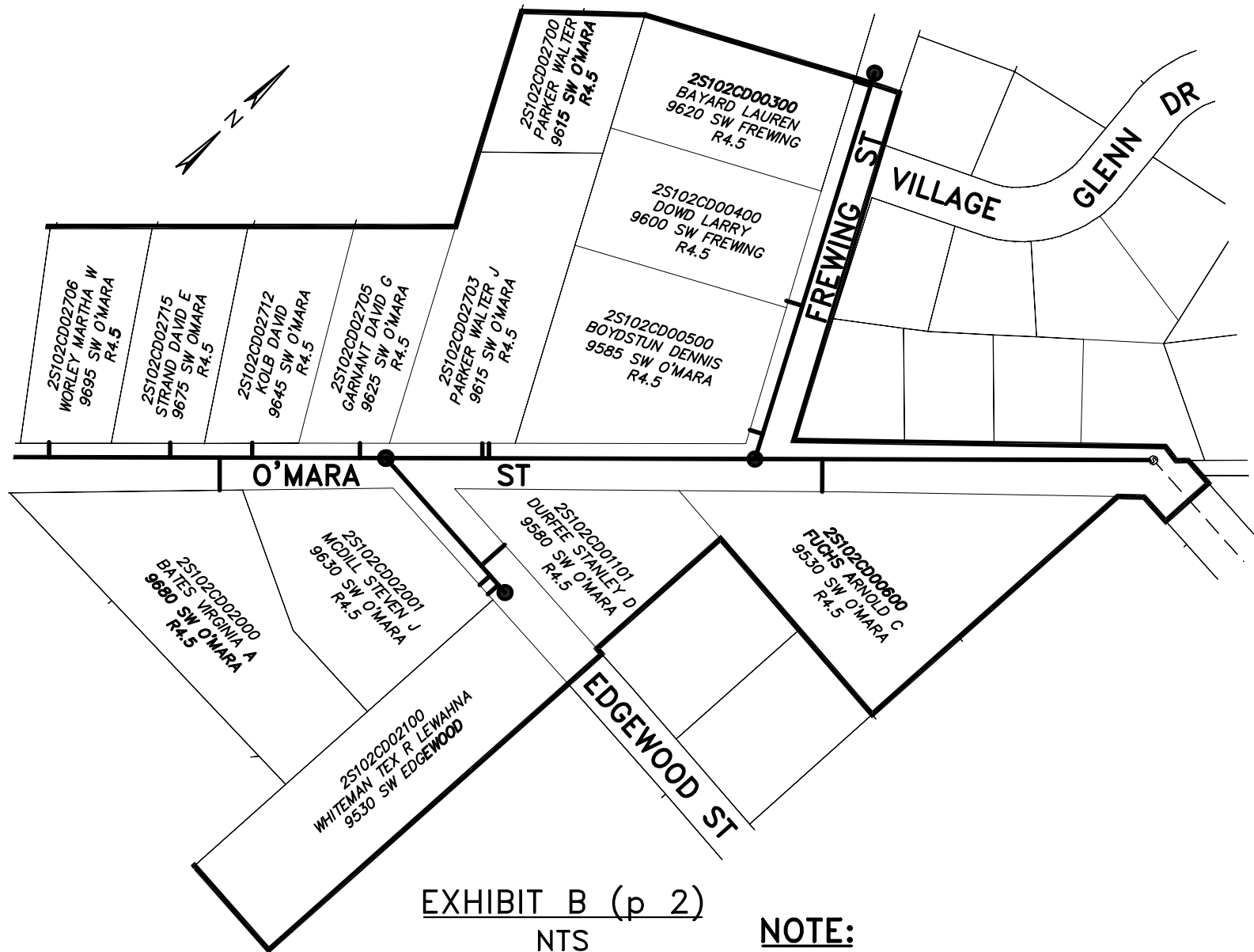
NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (p 1)

NTS

O'MARA, MCDONALD
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #28

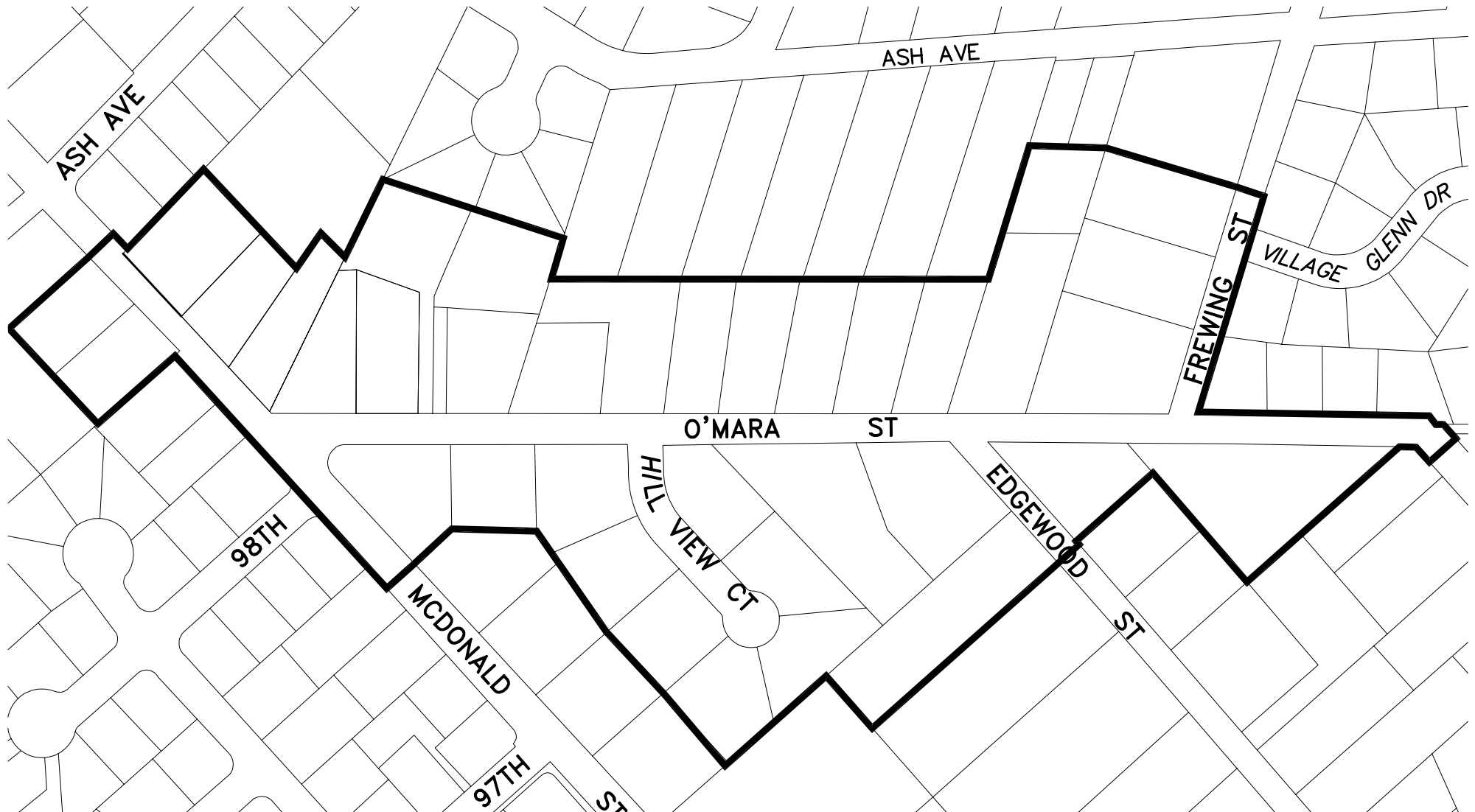


NOTE:

All properties in the reimbursement district are zoned R4.5



O'MARA, MCDONALD
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #28
A PORTION OF THE SW 1/4 OF SECTION 2 T2S R1W W.M.



VICINITY MAP
NTS

May 27, 2003

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, June 10, 2003 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 28.
(SW O'Mara and McDonald Streets)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW O'Mara and McDonald Streets.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 718-2468 or at www.ci.tigard.or.us.

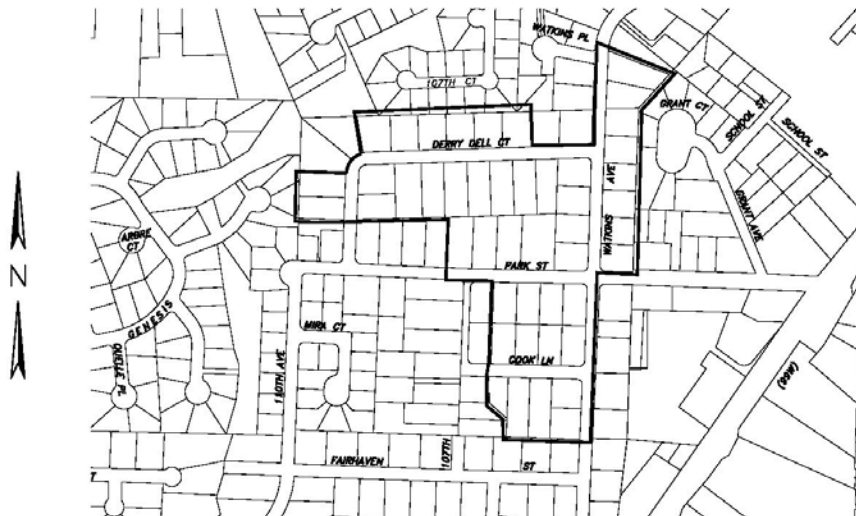
Proposed Sanitary Sewer Reimbursement District No. 28 (SW O'Mara and McDonald Streets)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share of the public sewer line is based on the area of the lot served and is summarized in the attached table. This amount will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000.

The owner would also be required to pay a connection fee of \$2,435 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29 A PORTION OF THE NE 1/4 OF SECTION 3 T2S R1W W.M.



2S102CD-02702
ANDERSON CLARENCE N TR
ANDERSON ANN K TR
9735 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02000
BATES VIRGINIA A
9680 SW O'MARA ST
TIGARD, OR 97223

2S102CD-00300
BAYARD LAUREN &
BILICK KEVIN
9620 SW FREWING ST
TIGARD, OR 97223

2S102CD-02605
BHATTACHARYYA KEYA
9608 SW HILLVIEW CT
TIGARD, OR 97223

2S102CD-00500
BOYDSTUN DENNIS GREGORY
9585 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02603
BROWN ROGER A & JENNIFER A
9605 SW HILLVIEW CT
TIGARD, OR 97223

2S102CD-04900
CLAYTON MARLIN L
9777 SW O'MARA ST
TIGARD, OR 97223

2S102CD-05000
COOK DOREEN M
9815 SW O'MARA
TIGARD, OR 97223

2S102CD-00400
DOWD LARRY & LAURA
9600 SW FREWING
TIGARD, OR 97223

2S102CD-01101
DURFEE STANLEY D & CYNTHIA A
9580 SW O'MARA ST
TIGARD, OR 97223

2S102CD-00600
FUCHS ARNOLD C & SHIRLEY K
9530 SW O'MARA
TIGARD, OR 97223

2S102CD-02705
GARNANT DAVID G & JOYCE
9625 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02601
GITHENS WANDAMA TRUSTEE
9675 SW HILLVIEW CT
TIGARD, OR 97223

2S111BA-00803
HAMPTON CLAUDE H
MARGARET T
9960 SW MCDONALD ST
TIGARD, OR 97224

2S102CD-02608
JOHNSON EDITH L TRUSTEE
9800 SW O'MARA
TIGARD, OR 97223

2S102CD-02712
KOLB DAVID & JANE F TRS
9645 SW O'MARA ST
TIGARD, OR 97223

2S102CD-03005
MCCORD GLEN A & ELIZABETH A
9965 SW MCDONALD ST
TIGARD, OR 97224

2S102CD-02001
MCDILL STEVEN J & KIMBERLY C
9630 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02802
MCDONALD TERRY L/DIANE L
9865 SW OMARA
TIGARD, OR 97223

2S102CD-03000
MCPHAIL JOHN R & LEANN
9935 SW MCDONALD ST
TIGARD, OR 97224

2S1118A-00804
MILLER PHILLIP R
9940 SW MCDONALD ST
TIGARD, OR 97224

2S102CD-02709
MONNIE HELEN C & MICHAEL D &
MONNIE DEBRA L
9715 SW OMARA ST
TIGARD, OR 97223

2S102CD-02602
NEVILLE THOMAS A &
SUSANA A
9635 SW HILLVIEW CT
TIGARD, OR 97223

2S102CD-02607
NIRANJAN RAMAKRISHNAN &
RAM SHAILAJA
9760 SW OMARA ST
TIGARD, OR 97223

2S102CD-03002
OTTOMAN NORMAN R TRUSTEE
c/o GORDY BRIAN V & MARIE E
9905 SW MCDONALD ST
TIGARD, OR 97224

2S102CD-02700
PARKER WALTER J & LOLA B
9615 SW O'MARA
TIGARD, OR 97223

2S102CD-02703
PARKER WALTER J & LOLA B
655 STONECREEK DR
LA CENTER, WA 98629

2S102CD-02803
RAY STEVEN A & DEBORAH M
9845 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02701
SHEHORN STEPHEN LEE
9765 SW O'MARA
TIGARD, OR 97223

2S102CD-02604
SHIRLEY JULIA A
9610 SW HILLVIEW COURT
TIGARD, OR 97223

2S102CD-02805
SPIAK ANDREW JOEL
9825 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02715
STRAND DAVID E
9675 SW OMARA ST
TIGARD, OR 97223

2S102CD-02100
WHITEMAN TEX R LEWAHNA
9530 SW EDGEWOOD
TIGARD, OR 97223

2S102CD-02606
WILSON LELAND J & TAMMIE L
9670 SW HILLVIEW CT
TIGARD, OR 97223

2S102CD-02609
WILSON WILLIAM D JR AND
ELIZABETH A
9840 SW O'MARA ST
TIGARD, OR 97223

2S102CD-02706
WORLEY MARTHA W
9695 SW O'MARA
TIGARD, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

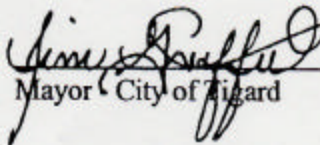
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

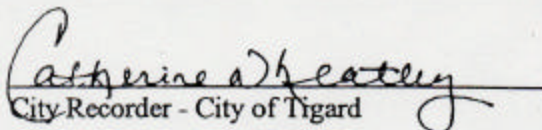
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor • City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 29 (SW Park and Derry Dell Streets)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval of the attached Resolution forming the Reimbursement District.

INFORMATION SUMMARY

The proposed project would provide sewer service to forty seven lots along the entire unserved portions of SW Park Street, Derry Dell Court, Cook Lane and Watkins Avenue. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 (\$2,435 after June 30, 2003) before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Proposed Resolution
 Exhibit A- City Engineer's Report
 Exhibit B- Map
Vicinity Map
Notice to Owners
 Mailing List
Resolution 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 29
(SW PARK, DERRY DELL STREETS)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 29", attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 29, SW Park and Derry Dell Streets."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

I:\ENG\2002-2003 FY CIP\Park St Derry Dell Ct & Watkins Ave Reimbursement Dist No. 29\City Council Agenda of Resolution est.doc

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 29
(SW Park and Derry Dell Streets)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 (\$2,435 after June 30, 2003) and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Watkins Avenue would be extended south and a sewer in SW 107th Avenue would be extended east along Park Street and Cook Lane to serve forty seven lots as shown on Exhibit Map B. The proposed project would provide sewer service to forty seven lots along the entire unserved portions of SW Park Street, Derry Dell Court, Cook Lane and Watkins Avenue.

Cost

The estimated cost for the sanitary sewer construction is \$471,390. Engineering and inspection fees amount to \$63,640 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$535,030. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 (\$2,435 after June 30, 2003) connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from about 10,000 square feet to over 22,000 as can be seen on the attached list of owners.

Therefore, it is recommended that the total cost of the project be divided among the forty seven properties proportional to the square footage of each property. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.71 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 3, 2003

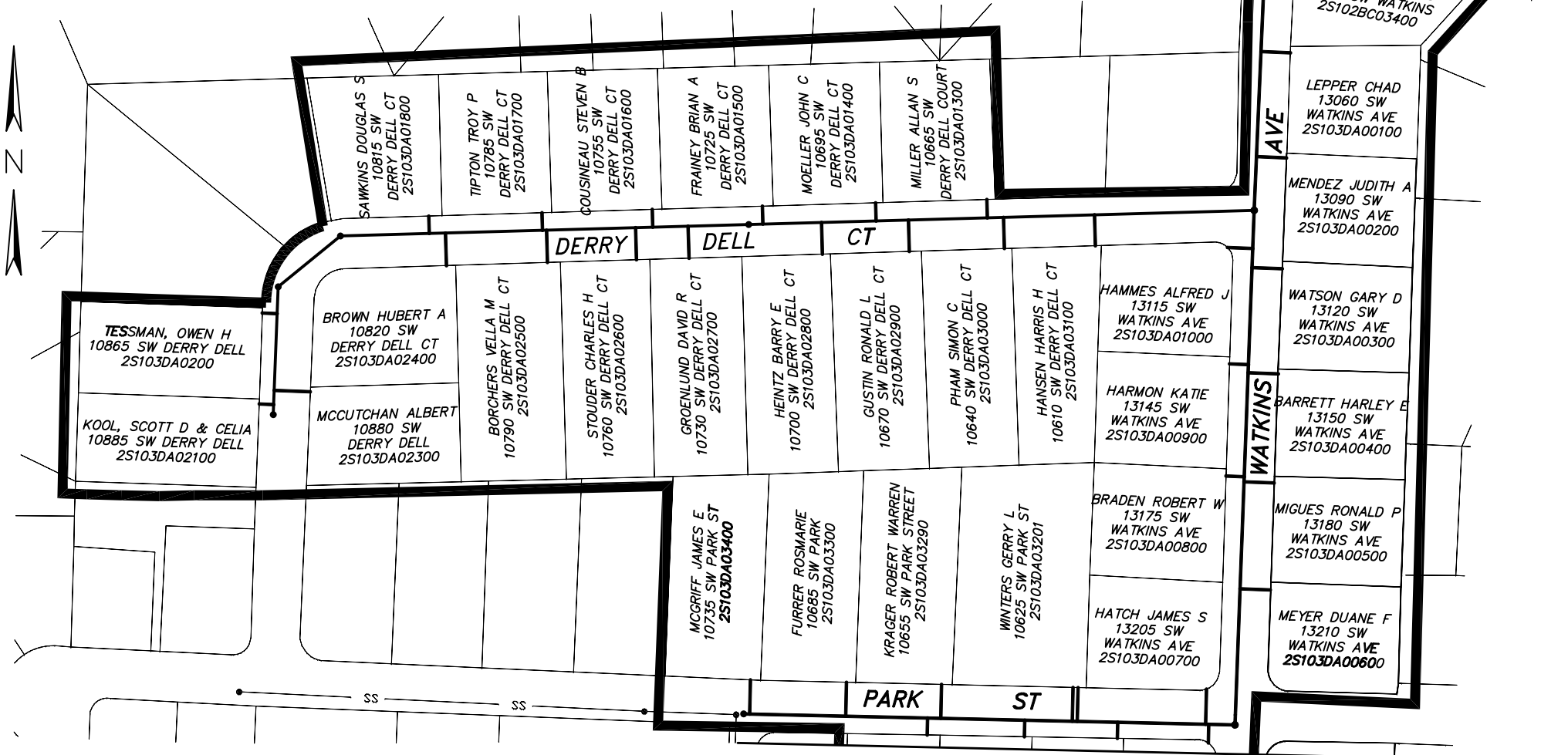
Agustin P. Duenas, P.E.
City Engineer

Reimbursement District No. 29

Estimated Cost to Property Owners

			ESTIMATED COST TO PROPERTY OWNER
OWNER	SITE ADDRESS	AREA (S.F.)	
1 MILLER ALLAN S DOREEN J	10665 SW DERRY DELL COURT	15365.72783	\$10,849
2 MOELLER JOHN C & NANCY A	10695 SW DERRY DELL CT	15366.95090	\$10,850
3 FRAINEY BRIAN A & ABIGAIL J	10725 SW DERRY DELL CT	15366.98757	\$10,850
4 COUSINEAU STEVEN B	10755 SW DERRY DELL CT	15367.02424	\$10,850
5 HEINTZ BARRY E	10700 SW DERRY DELL CT	19537.74845	\$13,794
6 GROENLUND DAVID R AND	10730 SW DERRY DELL	19533.50173	\$13,791
7 WATSON GARY D	13120 SW WATKINS AVE	13916.56716	\$9,826
8 BARRETT HARLEY E	13150 SW WATKINS AVE	13926.64909	\$9,833
9 NOLES DAVID R AND	10630 SW PARK ST	14667.82779	\$10,356
10 WILLIAMS DAVID S	10635 SW COOK LN	14467.42728	\$10,215
11 LEPPER CHAD & MI YOUNG	13060 SW WATKINS AVE	14195.40658	\$10,022
12 TIPTON TROY P & MICHELLE J	10785 SW DERRY DELL CT	15367.06091	\$10,850
13 SAWKINS DOUGLAS S	10815 SW DERRY DELL CT	16763.55464	\$11,836
14 MENDEZ JUDITH A	13090 SW WATKINS AVE	13905.98901	\$9,818
15 HAMMES ALFRED J HELEN L	13115 SW WATKINS AVE	14471.49969	\$10,217
16 HANSEN HARRIS H SARA J	10610 SW DERRY DELL	17986.13480	\$12,699
17 PHAM SIMON C & REBECCA T	10640 SW DERRY DELL CT	19538.24056	\$13,795
18 GUSTIN RONALD L & TAMMY G	10670 SW DERRY DELL CT	19537.91667	\$13,794
19 STOUDER CHARLES H TR	10760 SW DERRY DELL CT	19537.06360	\$13,794
20 BORCHERS VELLA M	10790 SW DERRY DELL CT	22358.89852	\$15,786
21 BROWN HUBERT A	10820 SW DERRY DELL CT	16724.83997	\$11,808
22 TESSMAN OWEN H	10865 SW DERRY DELL CT	16199.23647	\$11,437
23 HARMON KATIE	13145 SW WATKINS AVE	14429.56599	\$10,188
24 MCCUTCHAN ALBERT	10880 SW DERRY DELL	15118.21956	\$10,674
25 KOOL SCOTT D & CELIA C	10885 SW DERRY DELL CT	16201.93421	\$11,439
26 WINTERS GERRY L (Existing)	10625 SW PARK ST	14687.80616	\$10,370
27 WINTERS GERRY L (Back Lot)	10625 SW PARK ST	14687.80616	\$10,370
28 BRADEN ROBERT W & KATHLEEN J	13175 SW WATKINS	14429.44431	\$10,188
29 KRAGER ROBERT WARREN	10655 SW PARK ST	20861.07951	\$14,729
30 FURRER ROSMARIE	10685 SW PARK ST	19762.54608	\$13,953
31 MCGRUFF JAMES E/SHEILA M	10735 SW PARK ST	19211.32816	\$13,564
32 MIGUES RONALD P & DEBORAH R	13180 SW WATKINS AVE	13936.73103	\$9,840
33 HATCH JAMES S/MARCIEL J	13205 SW WATKINS AVE	14347.22665	\$10,130
34 MEYER DUANE FRANCIS	13210 SW WATKINS AVE	13934.27425	\$9,838
35 GRAY GAYLE R	10660 SW PARK ST	14573.06828	\$10,289
36 WEESE TERRY & DORI	10600 SW PARK ST	14764.34445	\$10,424
37 PUGSLEY CLAYTON A	10570 SW PARK ST	14778.43789	\$10,434
38 PONIATOWSKI-D'ERMENGARD	10665 SW COOK LN	14468.20714	\$10,215
39 ROSSBERG STEPHEN A	10605 SW COOK LN	14465.75477	\$10,213
40 MURFINSIMMONS MATTHEW T	13365 SW WATKINS	14375.98869	\$10,150
41 PHILLIPS RICHARD F	10676 SW COOK LN	9993.93370	\$7,056
42 SHOLES LANCE M	10634 SW COOK LN	19572.73686	\$13,819
43 RESLER MICHAEL D & BARBARA S	10620 SW COOK LN	19574.84873	\$13,821
44 BISHOP WILBUR A AND MARTHA E	10590 SW COOK LN	14646.50836	\$10,341
45 HOLCOMBE GERALD A	13485 SW WATKINS ST	14726.18773	\$10,397
46 JENSEN RONALD M	13000 SW WATKINS AVE	20738.95548	\$14,642
47 GROAT RANDALL S & CAROLYN J	13010 SW WATKINS	15404.02471	\$10,876
Totals		757793.21	\$535,029.81

PARK STREET & DERRY COURT SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



See Exhibit B (pg 2)

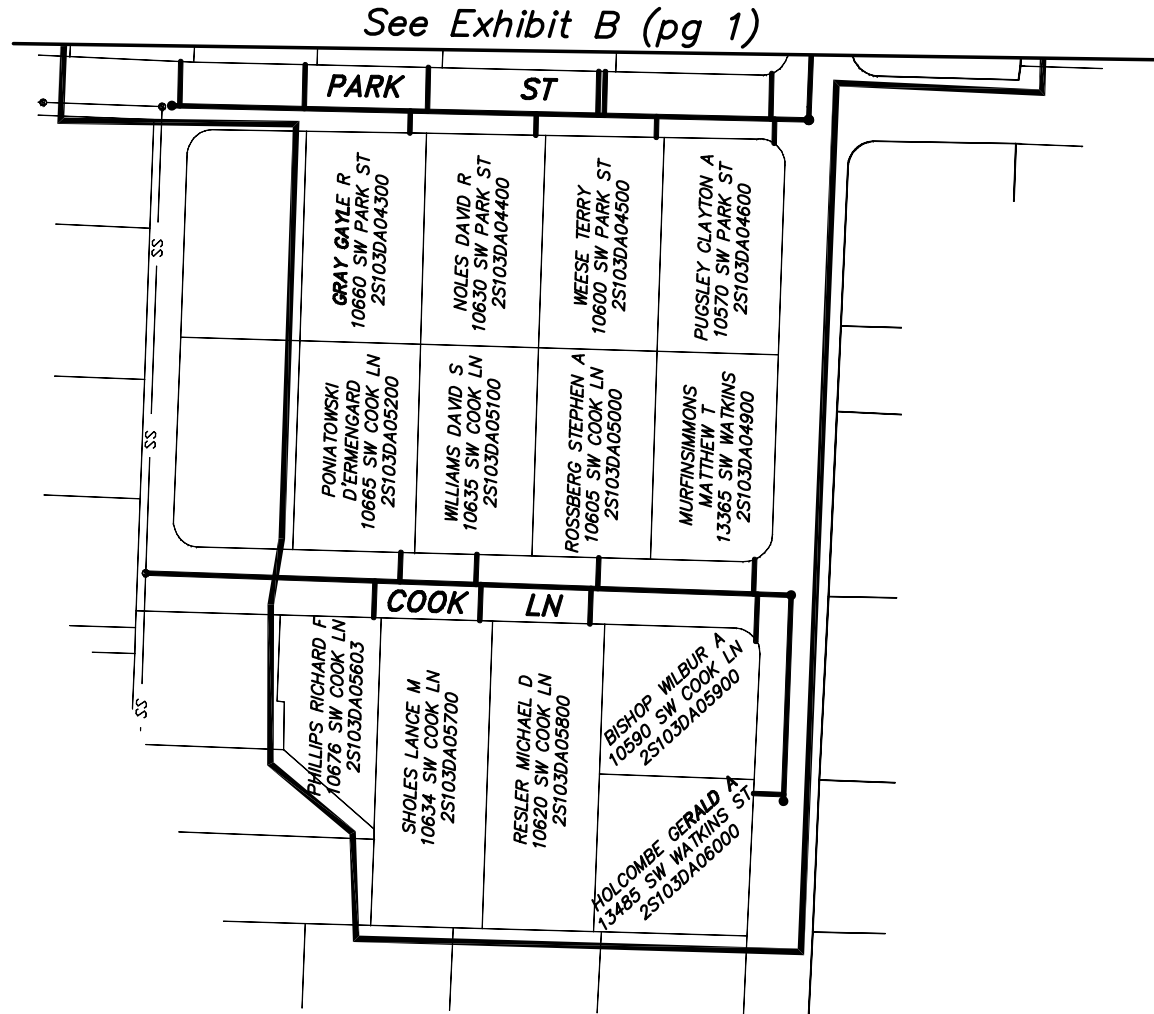
NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 1)

NTS

DERRY DELL CT & WATKINS AVE SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29



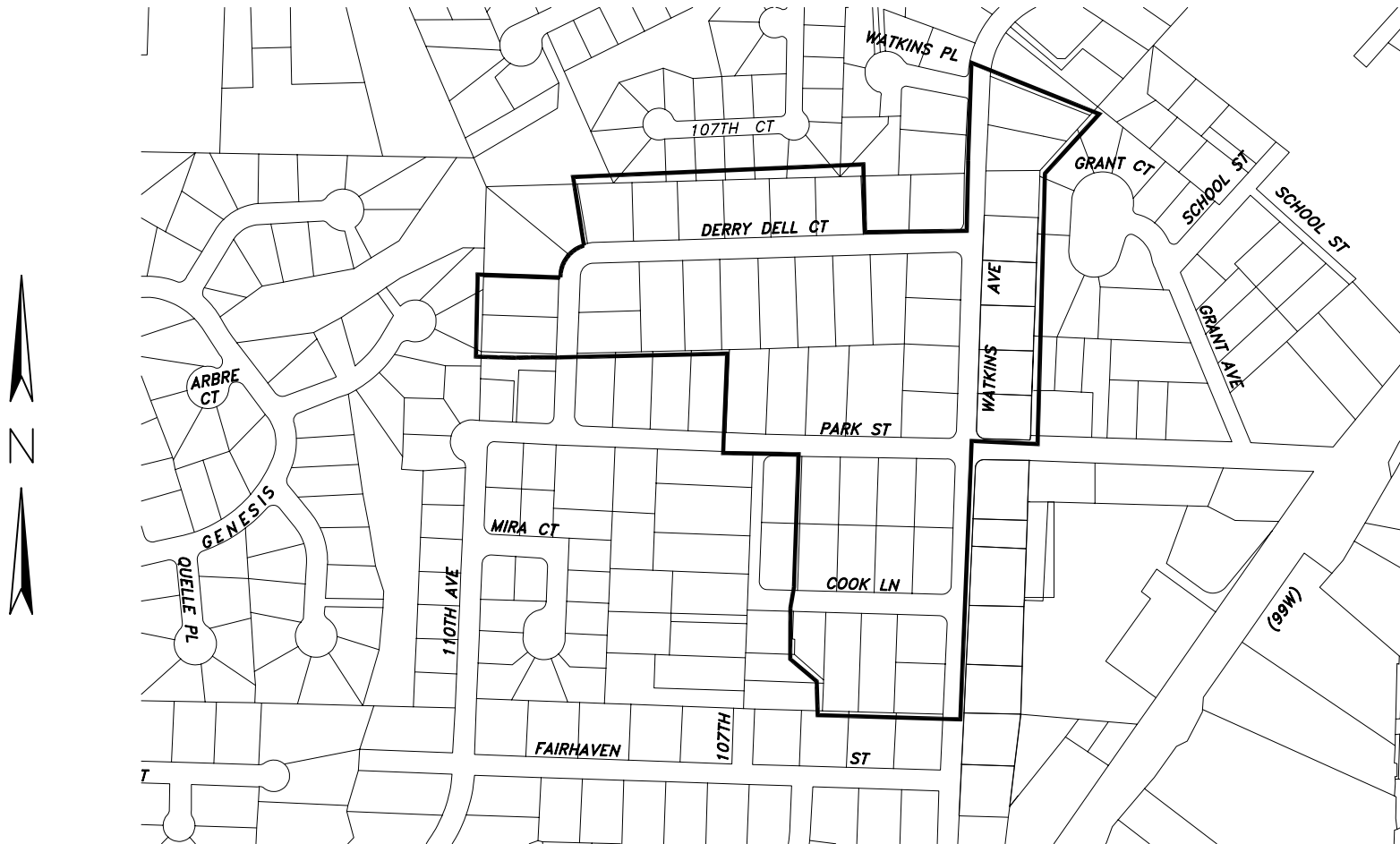
NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B (pg 2)

NTS

PARK STREET & DERRY COURT
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29
A PORTION OF THE NE 1/4 OF SECTION 3 T2S R1W W.M.



VICINITY MAP
NTS

May 27, 2003

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, June 10, 2003 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

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(SW Park Street and Derry Dell Court)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Park Street and Derry Dell Court.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 718-2468 or at www.ci.tigard.or.us.

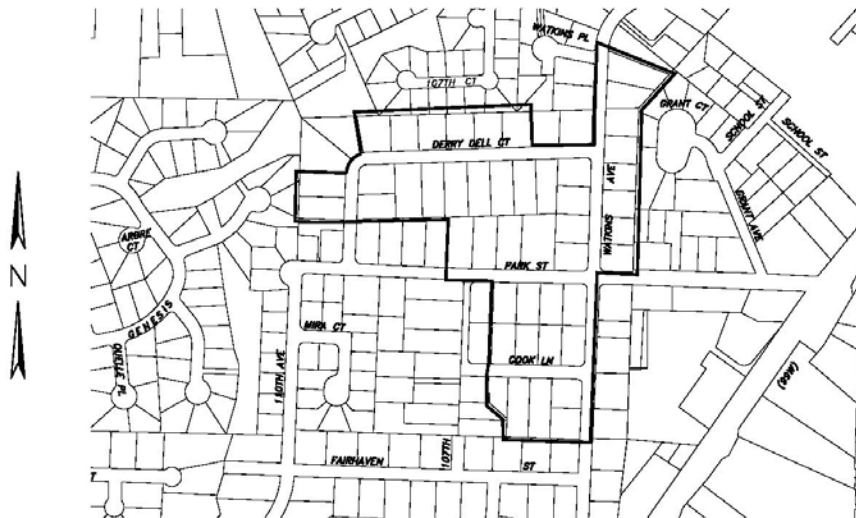
Proposed Sanitary Sewer Reimbursement District No. 29 (SW Park Street and Derry Dell Court)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share of the public sewer line is based on the area of the lot served and is summarized in the attached table. This amount will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000.

The owner would also be required to pay a connection fee of \$2,435 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

**PARK STREET & DERRY COURT
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #29
A PORTION OF THE NE 1/4 OF SECTION 3 T2S R1W W.M.**



**VICINITY MAP
NTS**

2S103DA-00400
BARRETT HARLEY E
13150 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-05900
BISHOP WILBUR A AND MARTHA E
PO BOX 23832
TIGARD, OR 97281

2S103DA-02500
BORCHERS VELLA M
10790 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-00800
BRADEN ROBERT W & KATHLEEN J
13175 SW WATKINS
TIGARD, OR 97223

2S103DA-02400
BROWN HUBERT A
10820 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-01600
COUSINEAU STEVEN B &
COUSINEAU JESSICA L
10755 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-01500
FRAINEY BRIAN A & ABIGAIL J
10725 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-03300
FURRER ROSMARIE
10685 SW PARK
TIGARD, OR 97223

2S103DA-04300
GRAY GAYLE R
10660 SW PARK ST
TIGARD, OR 97223

2S102BC-03400
GROAT RANDALL S & CAROLYN J
13010 SW WATKINS
TIGARD, OR 97223

2S103DA-02700
GROENLUND DAVID R AND
CONSTANCE J M
10730 SW DERRY DELL
TIGARD, OR 97223

2S103DA-02900
GUSTIN RONALD L & TAMMY G
10670 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-01000
HAMMES ALFRED J HELEN L
13115 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-03100
HANSEN HARRIS H SARA J
10610 SW DERRY DELL
TIGARD, OR 97223

2S103DA-00900
HARMON KATIE
13145 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-00700
HATCH JAMES S/MARCIEL J &
HATCH KEVIN SCOTT TRUSTEES
13205 SW WATKINS
TIGARD, OR 97223

2S103DA-02800
HEINTZ BARRY E
TAMARA R
10700 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-06000
HOLCOMBE GERALD A &
BELINDA M
13485 SW WATKINS ST
TIGARD, OR 97223

2S102BC-03500
JENSEN RONALD M &
JENSEN ERI K
13000 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-02100
KOOL SCOTT D & CELIA C
10885 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-03290
KRAGER ROBERT WARREN
10655 SW PARK STREET
TIGARD, OR 97223

2S103DA-00100
LEPPER CHAD & MI YOUNG
13060 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-02300
MCCUTCHAN ALBERT
10880 SW DERRY DELL
TIGARD, OR 97223

2S103DA-03400
MCGRUFF JAMES E/SHEILA M
10735 SW PARK ST
TIGARD, OR 97223

2S103DA-00200
MENDEZ JUDITH A
13090 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-00600
MEYER DUANE FRANCIS
ANNIE ELIZABETH
13210 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-00500
MIGUES RONALD P & DEBORAH R
13180 SW WATKINS AVE
PORTLAND, OR 97223

2S103DA-01300
MILLER ALLAN S DOREEN J
10665 SW DERRY DELL COURT
TIGARD, OR 97223

2S103DA-01400
MOELLER JOHN C & NANCY A
10695 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-04900
MURFINSIMMONS MATTHEW T &
MICAHLE
13365 SW WATKINS
TIGARD, OR 97223

2S103DA-04400
NOLES DAVID R AND
MARGARET L
10630 SW PARK ST
TIGARD, OR 97223

2S103DA-03000
PHAM SIMON C & REBECCA T
10640 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-05603
PHILLIPS RICHARD F
10676 SW COOK LN
TIGARD, OR 97223

2S103DA-05200
PONIATOWSKI-D'ERMENGARD
MARIE LORRAINE
10665 SW COOK LN
TIGARD, OR 97223

2S103DA-04600
PUGSLEY CLAYTON A &
FREEMAN-PUGSLEY CAMIE
10570 SW PARK ST
TIGARD, OR 97223

2S103DA-05800
RESLER MICHAEL D & BARBARA S
10620 SW COOK LN
TIGARD, OR 97223

2S103DA-05000
ROSSBERG STEPHEN A
10605 SW COOK LN
TIGARD, OR 97223

2S103DA-01800
SAWKINS DOUGLAS S &
CAROLYN M
10815 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-05700
SHOLES LANCE M &
ALFANO KRISTEN A
10634 SW COOK LN
TIGARD, OR 97223

2S103DA-02600
STOUDER CHARLES H TR &
SUSAN K
10760 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-02000
TESSMAN OWEN H
10865 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-01700
TIPTON TROY P & MICHELLE J
10785 SW DERRY DELL CT
TIGARD, OR 97223

2S103DA-00300
WATSON GARY D &
KEENER SANDRA S
13120 SW WATKINS AVE
TIGARD, OR 97223

2S103DA-04500
WEESE TERRY & DORI
10600 SW PARK ST
TIGARD, OR 97223

2S103DA-05100
WILLIAMS DAVID S
10635 SW COOK LN
TIGARD, OR 97223

2S103DA-03201
WINTERS GERRY L
10625 SW PARK ST
TIGARD, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

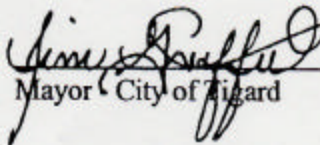
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

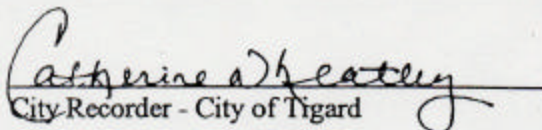
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor • City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE An Ordinance amending Section 3.44.005(A) of the Tigard Municipal Code relating to the definition of Substandard Undeveloped Property.

PREPARED BY: Terry Muralt, Buyer DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the City Council approve the amendment of the definition of “Substandard Undeveloped Property” to include parcels that do not meet the City’s existing Development Code.

STAFF RECOMMENDATION

Approve amendment of the definition of “Substandard Undeveloped Property”.

INFORMATION SUMMARY

In a recent attempt to sell City owned “Real Property” it was discovered that the definition of Substandard Undeveloped Property in the TMC 3.44 Sale of Surplus Property did not line up with the City’s Development Code. This amendment of the definition of Substandard Undeveloped Property will align it with the City’s Development Code.

List below is the requested amendment of TMC 3.44.005 (A) – **Addition is in BOLD lettering**

Parcels with no structures thereon which are not of minimum buildable size for the zone in which located, **and parcels that do not meet the City’s existing Development Code.**

OTHER ALTERNATIVES CONSIDERED

Leave definition as is.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

None

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 03-_____

AN ORDINANCE AMENDING SECTION 3.44.005(A) OF THE TIGARD MUNICIPAL CODE RELATING TO THE DEFINITION OF SUBSTANDARD UNDEVELOPED PROPERTY.

WHEREAS, the City's definition for substandard undeveloped property currently does not line up with the City's Development Code

WHEREAS, the City's definition for substandard undeveloped property is insufficient, and

WHEREAS, the amendment to the definition will align it with the City's Development Code.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Section 3.44.005(A) of the Tigard Municipal Code is amended to read as follows:

A. Parcels with no structures thereon which are not of minimum buildable size for the zone in which located, **and parcels that do not meet the City's existing Development Code.**

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2003.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2003.

James E. Griffith, Mayor

Approved as to form:

City Attorney

Date

AGENDA ITEM # _____
FOR AGENDA OF June 10, 2003

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appeal of a Director's Interpretation Regarding Billboard Signs

PREPARED BY: Brad Kilby DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should Council approve a resolution affirming a Director's Interpretation of language in the Tigard Community Development Code, Chapter 18.780, regarding prohibition of "Billboard signs" within the Tigard city limits?

STAFF RECOMMENDATION

Staff recommends that the City Council approve the resolution affirming the Director's Interpretation of language in the Tigard Community Development Code regarding prohibition of Billboard signs.

INFORMATION SUMMARY

On April 13, 1993, the Tigard City Council, by majority vote, agreed to prohibit billboard signs in the Tigard city limits, and to remove the approval criteria for billboard signs from the Special Condition Signs section of then TDC Section 18.114.090.

Earlier this year, West Coast Media, LLC, and later Media Arts, Inc. applied for building permit approval to construct "freeway oriented" signs under the premise that if they received approval from ODOT and pursuant to the Oregon Motorists Information Act (OMIA) they would not be subject to separate review from the City of Tigard. City planning staff recommended to the Building Official that the building permits for the signs be denied after finding that the signs that were applied for exceeded the maximum allowable size and height for "freeway oriented" signs, and that in fact, the signs that were applied for appeared to be billboards. The Building Official denied approval of the permits, and the two companies filed appeals with the Oregon Land Use Board of Appeals. The appeals were based on language in Tigard Development Code, Chapter 18.780.

Staff requested that the language be clarified by the Community Development Director. On May 16, 2003, the Community Development Director issued his interpretation, and the City Manager appealed the decision to Council seeking affirmation. A separate appeal was filed on behalf of Media Arts, Inc. by Michelle Rudd of Stoel Rives LLP. The Director's decision is partly based on Ordinance 93-12 that was passed by the City Council in April of 1993 to prohibit Billboards in the City of Tigard.

OTHER ALTERNATIVES CONSIDERED

The Council could disagree with the Director's Interpretation.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not Applicable

ATTACHMENT LIST

Attachment 1: Staff recommendation to the City Council

Attachment 2: Resolution affirming the Directors Interpretation of Billboard signs in the City of Tigard.

Exhibit A: Director's Interpretation of language regarding billboards in the Tigard Municipal Code and Ordinance 93-12

Attachment 3: City Council Hearing Minutes for April 13, 1993

Attachment 4: Planning Commission Minutes for March 8, 1993

Attachment 5: City Ordinance 93-12

Attachment 6: Addendum to the staff recommendation to the City Council

FISCAL NOTES

The cost of the appeal is \$250.00.

MEMORANDUM

CITY OF TIGARD

TO: Members of the Tigard City Council

FROM: Brad Kilby, Associate Planner

DATE: May 28, 2003

SUBJECT: Staff recommendation regarding the appeal of MIS2003-00021

The Tigard Municipal Code Chapter 18.340 affords the Community Director the discretion to interpret any terms or phrases within the Tigard Development Code that may be ambiguous or subject to two or more reasonable meanings.

In December of last year, I was approached by Chris Carlisle of West Coast Media, LLC to sign some zoning affidavits for several properties within the City of Tigard. He indicated that he was intending to apply for sign permits from ODOT under the Oregon Motorist Information Act. I wrote a memo to ODOT regarding Freeway Oriented signs, and indicated in my letter that as long as they received OMIA approval for the signs, the freeway-oriented signs would not need separate permits from the City. I indicated to Chris that he would still be required to attain building permits for the signs, and expressly stated to him as did the counter staff, that Billboards were prohibited in the City of Tigard.

Earlier this year, West Coast Media, LLC and Media Arts, Inc. applied for building permits for signs that exceeded both the maximum allowable height and size of freeway oriented signs. At my direction, the Building Official denied the permits, and refunded the review fees for those permits that were not structurally reviewed. Both companies filed appeals to LUBA.

As a result, I requested that the Community Development Director issue a formal Director's Interpretation regarding language that mentions Billboards in Tigard Municipal Code Chapter 18.780. On May 16, 2003, the Community Development Director did issue a formal interpretation that substantiated my letters. The Director's decision is partly based on Ordinance 93-12 that was passed by the City Council in April of 1993 to prohibit Billboards in the City of Tigard. The City Manager appealed the interpretation to allow the City Council to review the interpretation to affirm that his interpretation is correct. Subsequently, the City Attorney's Office has withdrawn the decisions in order that we may reissue the decisions with findings.

Staff review of the pertinent materials that are enclosed as part of your record, indicates that the intent was to expressly prohibit billboards within the Tigard City limits, and concurs with the Community Development Director's Interpretation. Staff recommends that the City Council affirm the Director's Interpretation.

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-_____

A RESOLUTION TO AFFIRM THE COMMUNITY DIRECTOR'S INTERPRETATION OF LANGUAGE REGARDING BILLBOARD SIGNS IN THE CITY OF TIGARD MUNICIPAL CODE CHAPTER 18.780.

WHEREAS, the Community Development Director is charged with making interpretations based on the best available information for any ambiguities or words having multiple meaning in the Tigard Development Code; and

WHEREAS, the Community Development Director's Interpretation is supported by past Planning Commission and City Council actions to expressly prohibit billboards in Tigard; and

WHEREAS, the Tigard City Council passed Ordinance 93-12 to expressly prohibit billboards in the City of Tigard; and

WHEREAS, the Tigard City Council held a public hearing on the matter on June 10, 2003,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby expresses its affirmation that the interpretation (Exhibit A) made by the Community Development Director is in keeping with the intention of the Tigard City Council and the purpose of the Tigard sign regulations of the Tigard Municipal Code Chapter 18.780.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2003.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**DIRECTOR'S INTERPRETATION
REGARDING BILLBOARDS
TMC 18.780.015.A.8 and .9, TMC 18.870.070.M
TMC 18.780.090.E.1 and TMC 18.780.090.E.6**

I. INTRODUCTION

This interpretation is intended to clarify certain provisions of the Community Development Code regarding signs.

II. INTERPRETATIONS

A. *TMC 18.780.015.A.8, 18.780.015.A.9 and 18.780.070.M*

Code Language

TMC 18.780.015.A.8: **"Billboard"** means a sign face supported by a billboard structure.

TMC 18.780.015.A.9: **"Billboard structure"** means the structural face which supports a billboard.

TMC 18.780.070.M: **Billboards. Billboards are prohibited.**

Interpretation

As applied to freeway-oriented signs, a billboard is a sign with any one sign face greater than 200 square feet or with a total sign area greater than 400 square feet.

As applied to freeway-oriented signs, TMC 18.780.070.M prohibits signs with any one sign face greater than 200 square feet or with a total sign area greater than 400 square feet

Discussion

The two definitions (of "billboard" and "billboard structure") are circular and provide little guidance as to what constitutes a billboard or a billboard structure. Dictionary definitions are not very helpful. For example, the most relevant definition in Webster's Ninth New Collegiate Dictionary is "a large panel designed to carry outdoor advertising." This definition does not provide much detail but is in accord with the common conception of a billboard as a very large sign.

TMC 18.780.070.M prohibits billboards. Before billboards were prohibited, they were allowed only in certain zones and only if within 660 feet of Highway 217 or Interstate 5. **(See Ordinance 93-12).** However, it is clear that when the Council prohibited billboards, it did not prohibit all freeway-oriented signs because freestanding freeway oriented signs are expressly permitted, subject to certain standards. TMC 18.780.090.E.

Given the dictionary definition and common understanding of billboard as a very large sign and that the Council's obvious intent as to freeway-oriented signs was to prohibit certain signs while allowing others, it appears that the Council intended the term "billboard" in the context of freeway oriented signs to mean a sign that is larger than the maximum size allowed for a freeway-oriented sign. The normal maximum area for a freeway-oriented sign is 160 square feet per sign face and 320 square feet for a two-sided sign. TMC 18.780.090.E.6. However, provided an application can meet all of the applicable review criteria for an adjustment, the code allows adjustments of up to 25 percent in sign area. TMC 18.780.140.A, TMC 18.370.020.C.6. Therefore, a freeway-oriented sign that does not exceed 200 square feet per side and 400 square feet total may be approved through the adjustment process and would not be a billboard.

In the context of freeway-oriented signs, a billboard therefore is a sign with any one sign face greater than 200 square feet or with a total sign area greater than 400 square feet. As applied to freeway-oriented signs, TMC 18.780.070.M prohibits signs with any one sign face greater than 200 square feet or with a total sign area greater than 400 square feet

B. TMC 18.780.090.E.1

Code Language

TMC 18.780.090.E.1: Anyone who qualifies for a permit from the State of Oregon under the provisions of the Oregon Motorist Information Act (OMIA) need not seek separate approval from the City of Tigard.

Interpretation

The “separate approval” provision of TMC 18.780.090.E.1 distinguishes the City’s sign permit process set out in Tigard Municipal Code Chapter 18 from the state permitting process, which includes a requirement to obtain an affidavit from the City. ORS 337.723. A person qualifies for an OMIA permit only if that person has obtained an affidavit from the City that the proposed sign complies with all applicable City regulations and the state determines that the other OMIA standards are satisfied. If a person has not obtained an ORS 337.723 affidavit that the City standards have been met, the person has not “qualifie[d] for a permit from the State of Oregon under the Oregon Motorist Information Act.” To demonstrate that a person has qualified for an OMIA permit, the person must provide evidence the OMIA permit has been issued.

This section does not exempt a person from obtaining building permits, only from obtaining the sign permit required under Chapter 18.780. Under the building code, the building official is to deny permits for failure to meet building code standards or other applicable laws and ordinances. The City’s prohibition on billboards is an applicable law or ordinance preventing issuance of building permits for billboards.

Discussion

This provision is ambiguous because it does not clearly define what “qualifying for a permit” means. The provision could be interpreted to mean that the City should make an independent evaluation in each case whether a person meets all the qualifications for a permit from the State under the Oregon Motorist Information Act. This interpretation is unacceptable and unreasonable because it would have the City make an independent evaluation of a decision that only the Oregon Department of Transportation has authority to make. See ORS 377.725. That interpretation could result in an avoidance of the City process in cases in which the state denies the OMIA permit. This is clearly not what the Council intended in passing this provision.

It could also be interpreted as meaning that a person does not need to seek separate City approval if the person has obtained an OMIA permit for a location in the City. This is a reasonable and acceptable interpretation of the code provision.

TMC 18.780.090.E.1 must be read in context of the OMIA. A person can qualify for an OMIA permit only if that person obtains an affidavit from the City that the sign is permitted under the City codes. ORS 337.723. The provision that a person need not obtain a “separate approval” from the City makes sense when interpreted in light of the provision in ORS 337.723, which includes the City as part of the OMIA process. If the City issues an affidavit certifying compliance under ORS 337.723, it will have verified that the applicant meets City standards, and a second City process would be superfluous. However, if no affidavit certifying compliance is issued, then the City would not have determined whether its code has been complied with and a separate City process is needed. The intent of the provision is to avoid two separate City processes for a single sign, while requiring at least one City process to determine whether a sign complies with City standards.

Therefore, TMC 18.780.090.E.1 should be interpreted as meaning that a person may avoid obtaining a City permit (the “separate approval”) if the person has obtained an affidavit from the City under ORS 337.723 stating that the proposed sign complies with all applicable City regulations. If a person has not obtained the ORS 337.723 affidavit indicating compliance, the person has not “qualifie[d] for a permit from the State of Oregon under the Oregon Motorist Information Act.”

If a person does obtain an affidavit from the City verifying compliance, the person could proceed with the billboard construction only if the person satisfies the state that all other OMIA permit requirements are met. The only way for the City to determine compliance with other OMIA standards is by verifying whether an OMIA permit has been issued. A person seeking to avoid the City permit process must provide evidence that the OMIA permit has been issued.

If a person has received an OMIA permit for another location, the person has not qualified for a permit for an OMIA permit for a location in the City until the person either obtains a City permit or an affidavit of compliance from the City under ORS 337.723.

Furthermore, the only exemption provided for by this section is an exemption from the City's sign permit requirements in Chapter 18.780. A building permit, if otherwise required, still must be obtained. TMC 18.780.010.E.1 is in the context of the sign permit regulations in the Community Development Code. It is clear from the context that the "separate approval" refers to a sign permit, not a building permit. Indeed, the City does not have authority to state that a building permit is not required if state law requires a building permit, which it does for most sign structures.

The building official cannot approve a building permit unless the application conforms to the requirements of the building code "and other pertinent laws or ordinances." OSSC (UBC) 106.4.1. The prohibition on billboards imposed by TMC 18.780.010.E.1 discussed in this interpretation is a "pertinent law" that prevents the issuance of a building permit for billboards.

C. TMC 18.780.090.E.6

Code Provision

TMC 18.780.090.E.6: For freestanding signs, a total maximum sign area of 160 square feet per fact (320 square feet total) shall be allowed. If the sign is a billboard, then the provisions of Subsection 18.780.090 shall apply.

Interpretation

The second sentence of TMC 18.780.090.E is interpreted to mean that signs with billboard structures that are greater than the maximum allowed by the first sentence of TMC 18.780.090.E.6 (plus any adjustments allowed by code as discussed above) are not permitted.

Discussion

The first sentence of this section is clear and unambiguous. The second sentence is confusing and ambiguous. That sentence states that if a sign is a billboard, the provisions of subsection 18.780.090 apply. This statement is ambiguous for two reasons. Most importantly, any reference to standards being applicable to billboards is confusing, given the express prohibitions on billboards in TMC 18.780.070.M. Second, there may be some possible ambiguity as to whether the "provisions of Subsection 18.780.090" includes the first sentence of TMC 18.780.090.E.6.

Dealing with the second possible area of ambiguity, the first sentence of TMC 18.780.090E.6 is one of the provisions of Subsection 18.780.090. There is no language in the second sentence that would exclude the first sentence of TMC 18.780.090.E.6 from being applicable. It would have been easy to include an express provision stating that the first sentence did not apply to billboards, or to add the word "but" between the two sentences. The Council in adopting the provision did not do that. To interpret the second sentence of TMC 18.780.090E.6 in a way that would make the first sentence not applicable to billboards would be to insert a provision that is not there. The second sentence of TMC 18.780.090.E.6 should therefore be interpreted as making the size limitation of the first sentence of that subsection applicable to billboards.

In interpreting this provision, it should be noted that the code definition of billboard -a sign supported by a billboard structure- applies to this provision. The apparent intent was therefore that any sign that had a billboard structure could not exceed the other requirements of freeway-oriented signs, including the first sentence of TMC 18.780.090.E.6. The best interpretation of the second sentence of TMC 18.780.090.E is therefore that signs with billboard structures that are greater than the maximum allowed by the first sentence of TMC 18.780.090.E.6 (plus any adjustments allowed by code as discussed above), are not permitted.

This interpretation also resolves the possible inconsistency with prohibition on all billboards in TMC 18.780.070.M. As properly interpreted, TMC 18.780.090.E.6 prohibits all signs greater than a certain size, including those that are supported by a billboard structure. Given the interpretation of “billboard” discussed in Section A above, the structure of a smaller sign would not be a “billboard structure” because it would be for a sign that is smaller than a billboard and the prohibition on billboards would not apply. Therefore, there is no inconsistency between TMC 18.780.090.E.6 and TMC 18.780.070.M because TMC 18.780.090.E.6 does not allow any billboards prohibited by TMC 18.780.070.M.

III. APPLICATION OF THIS INTERPRETATION

This interpretation applies in all situations in which the code sections discussed in this interpretation are applicable. Because this is an interpretation and not a regulation, it is to be applied by all City staff in all situations, even as to applications that have been filed.

IV. FINALITY AND EFFECTIVENESS

This decision is final and effective upon mailing. It may be appealed to the City Council pursuant to TMC 18.340.020.E and F.

James N.P. Hendryx, Community Development Director

DATE:_____

Post

CITY OF TIGARD, OREGON
ORDINANCE NO. 93-12

AN ORDINANCE TO AMEND PROVISIONS OF THE COMMUNITY DEVELOPMENT CODE SECTION 18.114.070 TO ADD SUBSECTION N. TO PROHIBIT BILLBOARDS AND TO REPEAL SECTION 18.114.090 A. SUBSECTIONS 1-4 WHICH PROVIDES FOR BILLBOARDS.

WHEREAS, The City of Tigard finds it necessary to revise the Community Development Code periodically to improve the operation and implementation of the Code; and

WHEREAS, The City of Tigard Planning Commission reviewed the staff recommendation at a public hearing on March 8, 1993 and voted to recommend approval of the amendment to the City Council; and

WHEREAS, The City of Tigard finds that the amendment does not affect City Comprehensive Plan Goals or State Planning Goals; and

WHEREAS, The City of Tigard finds that there has been a public outcry concerning the proliferation, number, spacing and aesthetics of billboards; and

WHEREAS, The City Council held a public hearing on April 13, 1993 to consider the amendment.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Community Development Code shall be amended as shown in Exhibit "A". Language to be added in UNDERLINED. Language to be deleted is shown in [BRACKETS].

This ordinance shall be effective 30 days after its passage by the Council, approval by the Mayor, and posting by the City Recorder.

PASSED: By majority vote of all Council members present after being read by number and title only, this 13th day of April, 1993.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: This 13th day of April, 1993.

Approved as to form:

M.C. Palmer
City Attorney

4.13.93
Date

ORDINANCE No. 93-12
Page 1

EXHIBIT "A"

18.114.070 Certain Signs Prohibited

N. Billboards

Billboards are prohibited.

18.114.090 Special Condition Signs

A. Special condition signs shall have special or unique dimensional, locational, illumination, maximum number or other requirements imposed upon them in addition to the regulations contained in this chapter.

[1. Billboard:

a. Billboard sign regulations shall be as follows:

(i) Zones Permitted:

(1) Billboard signs shall be permitted only in a C-G commercial zone or I-P, I-L and I-H industrial zones and then only within 660 feet of Oregon State Expressway No. 217 and/or Interstate Freeway No. 5 right-of-ways;

2. All new proposed billboard sign(s) within 660 feet of the public right-of-way of a state highway must obtain the necessary permit(s) from the State Highway Division and all billboard sign(s) must be maintained to conform with applicable state requirements pertaining to billboards;

3. All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and shall be maintained in a safe condition:

a. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition;

b. Signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration; and

c. The display surfaces of all signs shall be kept neatly painted or posted;

4. Except as otherwise provided in this subsection,

existing billboards which do not conform to the provisions of this title shall be regarded as nonconforming signs and shall be subject to the provisions of Subsection 18,114,110.]

18.114.130 Zoning District Regulations

C. Commercial Zones.

1. [f. Billboard Signs in the C-G zone only in accordance with Section 18.114.090.A;]

F. Industrial Zones:

1. [e. Billboard Signs in accordance with Section 18.114.090.A;]

Council Agenda Item 31TIGARD CITY COUNCIL

MEETING MINUTES - APRIL 13, 1993

- Meeting was called to order at 6:30 p.m. by Mayor Edwards.
- 1. ROLL CALL
Council Present: Mayor Jerry Edwards; Councilors Judy Fessler, Wendi Conover Hawley, Paul Hunt, and John Schwartz.
Staff Present: Patrick Reilly, City Administrator; Dick Bewersdorff, Senior Planner; Ed Murphy, Community Development Director; Liz Newton, Community Relations Coordinator; Michael Robinson, Legal Counsel; Catherine Wheatley, City Recorder; and Randy Wooley, City Engineer.

STUDY SESSION

- Gas leak - City Administrator reported that there was a gas leak in the service line to City Hall last week. A temporary repair was done; he will report to Council on the proposed permanent solution.
- Volunteer Dinner - Reminder - Next week on Thursday, April 22.
- Goal setting session - tentatively set for May 15. (Note: Changed later in week to tentative date of May 22.)
- Library Board Subcommittee - City Administrator advised the Library has a subcommittee for future strategic planning. They said it would be useful if a Council person would attend the subcommittee meetings (4/26 and 5/3, 8-9:30 a.m.). Mayor Edwards advised he would like to attend, but could only go if they held the meeting in the evening.
- Main Street - Councilor Fessler reported that no agreement has been reached on a project for the Main Street area for the \$50,000 available. There was brief discussion on priorities of spending dollars.
- Community Center Committee - Tentatively will be asked to meet with City Council on 4/27 to discuss "what next" on Community Center idea.

- Number of Council Meetings Each Month: Council discussed the possibility of reducing the number of meetings each month. After discussion, consensus was that the number of meetings would not be automatically reduced to two instead of three meetings. Council agreed that City Administrator would monitor schedule and issues to come before Council and make the decision on whether a third meeting is necessary.
- Citizen Involvement Teams - Councilor Hunt noted that he and Councilor Hawley attended meeting of NPO's 3, 7, and 8. He sought clarification of whether it was Council's intention to have a Council member be at each of the CIT meetings. After discussion, Council decided that they would not plan to attend a CIT meeting as a regular assignment; however, if a Councilor is needed for a particular issue, a member would attend.

There was some discussion on details of CIT structure and process. Councilor Hunt suggested a staff person be provided for minute taking. Community Relations Coordinator Newton will research the costs of mailing agendas of CIT meetings on a monthly basis through a bulk mailing or incorporating into Cityscape.

- Agenda Review -
 - Consent Agenda Item 4.6a. - Councilor Schwartz questioned the merits of concrete versus asphalt with regard to the bid award for the Dartmouth Street paving. He advised he would request that this item be pulled from the Consent Agenda for separate discussion.
 - The following agenda items were also identified by Council members as items which will be asked for clarification on by staff: Item 4.4, 4.5, and 7.

BUSINESS MEETING

2. PROCLAMATIONS & SPECIAL RECOGNITION

- 2.1 PROCLAMATION: APRIL 1993 - FAIR HOUSING MONTH
 - Mayor Edwards
- 2.2 SPECIAL PRESENTATION - STATE CHAMPIONS - TIGARD HIGH SCHOOL TEAMS: GIRLS' SOCCER TEAM & BOYS' BASKETBALL TEAM
 - Mayor Edwards

3. VISITOR'S AGENDA

- Jack Polans, 16000 S.W. Queen Victoria, King City, OR 97224 requested that Consent Agenda Items 4.2b and 4.3 be pulled from the Consent Agenda Items to be discussed separately.
- Mark Link, 13050 S. . Walnut Street, Tigard, Oregon 97223 testified that he and his family were greatly impacted by the ordinance approved by the City Council on March 23, 1993. This ordinance approved a specific plan to build a major collector through their property at some point in the future.

Mr. Link requested that Council consider directing staff to begin negotiations for the purchase of his property. Mayor advised that Council would discuss this issue later in the meeting under "Non-Agenda."

4. CONSENT AGENDA:

Motion by Councilor Fessler, seconded by Councilor Hawley, to remove Items 4.2 b. and 4.3 for further discussion. The motion was approved by a unanimous vote of Council present.

Motion by Councilor Schwartz, seconded by Councilor Fessler, to remove Item 4.6 a. for further discussion. The motion was approved by a unanimous vote of Council present.

Discussion on Item 4.2b: City Administrator Reilly advised that an annual review of the solid waste haulers' statements of income and expenditures was conducted. The rate of return experienced by each of the haulers was sufficient as specified in their agreements with the City. No adjustment to the solid waste rate is needed. However, if the "tip fee" charged by Metro is raised, then the City will have to pass through the increase at a later date.

Discussion on Item 4.3: Councilor Fessler clarified that the policy to provide duplicate tape recordings of Council meetings at the Library would be done on a six-month trial basis. After brief discussion, Council consensus was to have staff keep records of time expended to prepare tapes to determine the cost to City.

Discussion on Item 4.6a: Councilor Schwartz asked City Engineer questions on the merits of asphalt versus cement. After discussion, City Engineer was asked to prepare a report outlining fiscal impact information relating to asphalt and cement. Also, Councilor Schwartz named several roads in other cities which were constructed with concrete and he suggested these cities be asked why they decided to use concrete.

Motion by Councilor Hunt, seconded by Councilor Schwartz, to remove Consent Agenda 4.6a. for consideration at the April 27, 1993, Council meeting. The motion was approved by a unanimous vote of Council present.

Motion by Councilor Fessler, seconded by Councilor Schwartz, to approve the Consent Agenda less Item 4.6a. The motion was approved by a unanimous vote of Council present.

- 4.1 Approve Council Minutes: March 16 and 23, 1993
- 4.2 Receive and File:
 - a. Council Calendar
 - b. Solid Waste Rate Review - March 25, 1993, Memorandum from Acting Public Works Director to City Administrator
 - c. Purchase Using Forfeited Assets - April 2, 1993, Memorandum from Chief of Police to Mayor and City Council
- 4.3 Approve Policy Making Tape Recordings of Council Business Meetings Available in the Tigard Public Library on a Six-Month Trial Basis
- 4.4 Approve Agreement Accepting U.S. Fish and Wildlife Service Grant Funds (Administered through Metro -- Greenspaces Grant) and Authorizing the Mayor to Sign
- 4.5 Approve Resolution Recognizing Grant Revenue (Metro Greenspaces) and Increase Appropriations to Permit Expenditure of Grant Funds - Resolution No. 93-14
- 4.6 Local Contract Review Board:
 - a. Bid Award - Dartmouth Street (Set over to 4/27/93)
 - b. Bid Award - Vehicle Purchase of Cab and Chassis to Guaranty Chevrolet and Service Van Body to Commercial Body Builders

- 5. ZONING ORDINANCE AMENDMENT ZOA 93-0002 BILLBOARDS (ALL NPO'S) A proposal to amend sections 18.114.070 and 18.114.090 of the Community Development Code to list billboards under the category of signs prohibited (18.114.070.N) and repeal provisions allowing construction of billboards (18.114.090.A.1). APPLICABLE REVIEW CRITERIA: Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1.1.1.a, 1.1.2, 2.1.1, and 2.1.3; Community Development Code Chapters 18.30 and 18.114.

- a. Public hearing was opened.
- b. There were no declarations or challenges.
- c. Senior Planner Bewersdorff presented the staff report. The potential for additional billboards exists under current Code provisions.

d. Public testimony:

- D.K. Paul advised he represented the Colony Creek Neighborhood Association. He testified against the use of billboards noting objections to smearing the landscape with billboards and advised they were harmful to the aesthetics and attractiveness of the City. Additionally, he commented that billboards do not increase business but that, in fact, prices are raised because of their use. The free speech argument used to continue to utilize billboards was argued by Mr. Paul to be "legalism" and "legal jargon." He advised that billboards were a "blight" and existing signs should be torn down.
- William Denecke, resident of Lake Oswego and business owner at Highway 217 and Scholls advised he agreed with Mr. Paul. He advised of his surprise that the Tigard Code allowed billboards. He said that Tigard had an image problem to overcome and that billboards were one more detraction. Mr. Denecke compared the 217 area in Tigard unfavorably to the Kruse Way area in Lake Oswego.
- Chris Hartman of Ackerly Signs suggested that the Tigard Code be changed to "cap and replace" language. This would mean that the existing number of signs would be allowed to remain; however, the signs could be moved to another Tigard location or altered.
- Brian Obie of Obie Signs noted his family business had existed for many years. He advised he has worked with the City when objections were raised on the orientation of one of his signs. Mr. Obie said he was trying to build credibility as being cooperative with Tigard. He referred to the Federal government beautification act and advised that billboards signs are allowed in certain zones.

In response to the staff report, he said he did not see the potential for 26 additional signs in Tigard.

Mr. Obie said that there is a large investment, hundreds of thousands of dollars, in the five signs he has. He said this represents significant income to the City as assessed on the property tax rolls.

Mr. Obie reported that 90 percent of the businesses which use his billboards have Tigard addresses.

He advised that he supports the "cap and replace" proposal suggested from the Ackerly Sign representative.

With regard to the community objection to billboards signs, Mr. Obie said there were only two people present to testify at the Planning Commission meeting. There has been no great community response of concern.

Mr. Obie said he was willing to cooperate with the City.

e. Council comments:

- Councilor Fessler asked for clarification on the placement (how oriented) and number of signs present in the City of Tigard.
- Mayor Edwards objected to the comparison of Kruse Way and 217 in Tigard advising this was like comparing "apples and oranges. The Mayor cited Tigard's economic vitality in reference to the comment during testimony about the "image problem." He also advised that he had received two telephone calls concerning the billboard issue; these callers did not object to billboards. The Mayor questioned whether the majority of residents had any problems or strong opinions with regard to billboards.
- Councilor Fessler received clarification from Legal Counsel Robinson on the distinction between billboards and freeway oriented signs.
- Councilor Schwartz received confirmation from Senior Planner Bewersdorff that about 18-20 billboard permits have been issued. Two billboards are currently under construction. Approval of the proposed ordinance would prohibit any additional signs.
- There was discussion on the "cap and replace" proposal presented by the sign company owners. Senior Planner Bewersdorff advised this option was not covered under the proposed ordinance. This option, advised Legal Counsel Robinson, would need more study should the Council decide to pursue.

- f. Staff recommended the Development Code be amended to repeal the provision in Chapter 18.114.070 A.1-4 that allows billboards and to list billboards under Chapter 18.114.070 N. as a sign prohibited.
- g. Public hearing was closed.
- h. Council consideration:
 - Councilor Hunt advised he would support the proposed ordinance amendment. He said he would be willing to explore the "cap and replace" proposal at a later date.
 - Councilor Fessler said she also supported the proposed ordinance amendment. She advised she has heard from a number of citizens who objected to billboards. Councilor Fessler said she would be willing to investigate the "cap and replace" proposal as well.
 - Councilor Hawley advised that she would support the proposed ordinance amendment. She commented that it was not necessary to receive testimony from a great number of people with regard to the representative testimony given by Mr. Paul. Councilor Hawley said changes in addressing planning issues were being made and would be noticed over time. She referred to planning efforts in the Tigard Triangle area with regard to design standards.
 - Mayor Edwards advised he had no problems with the existing ordinance. He noted concerns with spending too much time accommodating and addressing concerns and comments received from a minority viewpoint in the community.
- i. ORDINANCE NO. 93-12 - AN ORDINANCE TO AMEND PROVISIONS OF THE COMMUNITY DEVELOPMENT CODE SECTION 18.114.070 TO ADD SUBSECTION N. TO PROHIBIT BILLBOARDS AND TO REPEAL SECTION 18.114.090 A. SUBSECTIONS 1-4 WHICH PROVIDES FOR BILLBOARDS.
- j. Motion by Councilor Schwartz, seconded by Councilor Hunt, to approve Ordinance No. 93-12.

The motion was approved by a majority (4-1) vote of Council present. (Councilors Fessler, Hawley, Hunt, and Schwartz voted "aye"; Mayor Edwards voted "No.")

**TIGARD PLANNING COMMISSION
REGULAR MEETING - March 8, 1993**

1. **CALL TO ORDER:** President Fyre Called the meeting to order at 7:30 PM. The meeting was held in the Tigard Civic Center - TOWN HALL - 13125 SW Hall Boulevard.

2. **ROLL CALL:**

PRESENT: President Fyre; Commissioners Boone, Castile, Holland, Moore, and Schweitz.

ABSENT: Commissioners Saporta, Saxton, and Schwab.

STAFF: Senior Planner Dick Bewersdorff, Senior Planner Carol Landsman, Assistant Planner Jerry Offer, and Acting Planning Commission Secretary Diane Jelderks.

3. **APPROVE MINUTES**

Commissioner Castile moved and Commissioner Boone seconded to approve the minutes for February 22nd meeting as written. Motion passed by majority vote of Commissioners present. Commissioner Schweitz abstained.

4. **PLANNING COMMISSION COMMUNICATIONS**

There were no communications received for this meeting.

5. **PUBLIC HEARING**

- 5.1 **ZONING ORDINANCE AMENDMENT EOA 93-0002 BILLBOARDS** (ALL NPO'S) A proposal to amend sections 18.114.070 and 18.114.090 of the Community Development Code to list billboards under the category of signs prohibited (18.114.070.N) and repeal provisions allowing construction of billboards (18.114.090.A.1). **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1.1.1.a, 1.1.2, 2.1.1, and 2.1.3; Community Development Code Chapters 18.30 and 18.114.
 - Senior Planner Dick Bewersdorff reviewed staff's proposed amendment to the Development Code which would prohibit further billboard construction in the City while leaving in place those billboards already constructed.

PUBLIC TESTIMONY

- Brian Obie, 2081 Musket, Eugene, OR 97401, explained that his company constructed six billboard signs along Highway 217. He felt the signs were of value to the community. He stated that this proposal is a result of an article in the Tigard Times and not necessarily a concern of the business community and citizens. He supported regulating billboard signs but not prohibiting them. He favored a moratorium on construction until regulation for spacing, size, and location could be proposed.
- Will Denecke, 2665 SW Glen Eagles Rd., Lake Oswego, OR 97034, works in the Trammel Crow office off Highway 217 and travels Highway 217 regularly. He strongly supported staff's recommendation to prohibit any more billboard signs. He felt they were a horrendous sight. He stated that other jurisdictions such as Lake Oswego and Wilsonville prohibit billboard signs. He felt billboard sign detract from the image of Tigard. He supported taking action to have existing billboard signs removed.

PUBLIC HEARING CLOSED

- Commissioner Moore stated that he has been approached by numerous individuals about the ugly billboard signs going up along Highway 217. If he would have known they were permitted by Code he would have done something sooner to prohibit them.
- Commissioner Castile agreed. He felt that once the billboard companies found out billboard signs could go in, they decided to stick it to Tigard. Now we need to stop construction then deal with the ones that have been constructed.
- Commissioner Fyre, Holland, Boone, and Schweitz all supported staff's recommendation.
- * Commissioner Holland moved and Commissioner Boone seconded to forward Zone Ordinance Amendment ZOA 93-0092 to City Council supporting staff's recommendation.
- Further discussion followed regarding removal of existing billboard signs.

5.2 COMPREHENSIVE PLAN AMENDMENT CPA 93-0004/ZONING ORDINANCE AMENDMENT ZOA 93-0003 - TRANSPORTATION PLANNING RULE AMENDMENT

A staff initiated amendment package intended to address State of Oregon mandates related to development standards related to transportation facilities. Proposed amendments are numerous and therefore will not be listed in detail. Comprehensive Plan Volume I (Transportation Inventory Report) is proposed to

be amended to allow a greater variety of improvement standards for local streets. Amendments are also proposed to the following Community Development Code Chapters: Chapter 18.98 (Building Height Limitations: Exceptions); Chapter 18.106 (Off-street Parking and Loading Requirements); Chapter 18.108 (Access, Egress, and Circulation); Chapter 18.120 (Site Development Review); and Chapter 18.164 (Street and Utility Improvement Standards).

In addition, the Planning Division staff has proposed several other amendments within these affected Comprehensive Plan and Community Development Code chapters. These other amendments relate to minimum parking space requirements for various land uses, parking space dimensional standards, drive-up service window stacking requirements, local street improvement standards, and housekeeping amendments.

The March 8, 1993, Planning Commission hearing is intended as the initial Planning Commission hearing on the proposed amendments. At least one additional Planning Commission hearing will be held prior to the Commission forwarding a recommended package of proposed amendments to the City Council for a hearing on adoption of the amendments. These additional hearings are not yet scheduled.

APPLICABLE REVIEW STANDARDS: Statewide Planning Goals 1, 2, and 12; Oregon Administrative Rules OAR 660-12 (Transportation Planning Rule); Comprehensive Plan Policies 8.1.1, 8.1.3, 8.2.1, 8.2.2, 8.3.1, 8.4.1, 9.1.1, 9.1.2, and 9.1.3

- Senior Planner Dick Bewersdorff, reviewed portions of the Code that staff is recommending to amend.
- Assistant Planner Jerry Offer, explained that there is a second hearing scheduled for April 5th and this is more of a work-study session with public testimony.

PUBLIC TESTIMONY

- Anthony Bonforte, 14675 SW Osprey # 413, Beaverton, OR 97007, explained that he is currently proposing a subdivision that has approximately four acres of wetlands an approximately five acres would be dedicated as open space. He favored the new street design standards. They are flexible and would be helpful in designing subdivisions without compromising the quality of the subdivision. In addition they would decrease surface run-off (impervious surface).
- David Bantz, OTAK, 17355 Boones Ferry Road, Lake Oswego, OR 97035, asked for staff's clarification on different sections

of Chapter 18.164. He suggested that 18.164.060 C be removed, Commissioners agreed.

- Discussion followed regarding different street widths, residential streets, sidewalks, planter strips, parking along the street, and criteria for variances.
- Assistant Planner Jerry Offer explained how a design standard manual would work in conjunction with the Code. Discussion regarding processing the design standard manual along with Code revision and the difficulties involved in doing that.
- Discussion on how to handle. Consensus of the Commission was that there needs to be flexibility in the Code. Further discussion on street widths, how they work in conjunction with parking, and the width of travel lanes. Discussion on width of parking spaces and layout of the spaces.
- Further discussion on how to handle. Senior Planner Carol Landsman explained that the Comprehensive Plan Amendment is scheduled to be heard before City Council on May 3rd. Consensus of the Commission is that they need more time to review. Commissioners are to review the proposed changes and return their marked up copies to Senior Planner Carol Landsman as soon as possible.
- Further discussion regarding standard design manual, variances, parking spaces changes proposed for specific uses, and ADA requirements.
- * Meeting continued to April 5th.

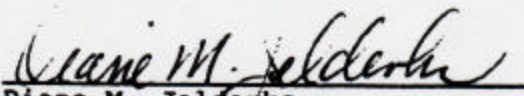
6. OTHER BUSINESS

- Planning Commission requested staff investigate what could be done about getting existing billboard removed.
- Discussion on RV parking article in the Tigard Times.
- Discussion regarding upcoming annexation.

7. ADJOURNMENT 9:06 P.M.

ATTEST:


Milton F. Fife, President


Diane M. Jelderks
Acting Commission Secretary

Post

CITY OF TIGARD, OREGON
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WHEREAS, The City of Tigard finds that the amendment does not affect City Comprehensive Plan Goals or State Planning Goals; and

WHEREAS, The City of Tigard finds that there has been a public outcry concerning the proliferation, number, spacing and aesthetics of billboards; and

WHEREAS, The City Council held a public hearing on April 13, 1993 to consider the amendment.

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Community Development Code shall be amended as shown in Exhibit "A". Language to be added in UNDERLINED. Language to be deleted is shown in [BRACKETS].

This ordinance shall be effective 30 days after its passage by the Council, approval by the Mayor, and posting by the City Recorder.

PASSED: By majority vote of all Council members present after being read by number and title only, this 13th day of April, 1993.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: This 13th day of April, 1993.

Gerald R. Edwards
Gerald R. Edwards, Mayor

Approved as to form:

M. C. Palmer
City Attorney

4.13.93
Date

ORDINANCE No. 93-12
Page 1

EXHIBIT "A"

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2. All new proposed billboard sign(s) within 660 feet of the public right-of-way of a state highway must obtain the necessary permit(s) from the State Highway Division and all billboard sign(s) must be maintained to conform with applicable state requirements pertaining to billboards;

3. All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and shall be maintained in a safe condition:

a. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition;

b. Signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration; and

c. The display surfaces of all signs shall be kept neatly painted or posted;

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18.114.130 Zoning District Regulations

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1. [f. Billboard Signs in the C-G zone only in accordance with Section 18.114.090.A;]

F. Industrial Zones:

1. [e. Billboard Signs in accordance with Section 18.114.090.A;]

MEMORANDUM

CITY OF TIGARD

TO: Members of the Tigard City Council

FROM: Brad Kilby, Associate Planner

DATE: May 30, 2003

SUBJECT: Appeal of the Director's Interpretation regarding "Billboard" in the TMC Chapter 18.780

A second appeal has been filed in the matter that will come before you on June 10, 2003. The appeal was filed by Michelle Rudd, an attorney representing Media Arts, Inc. on their behalf. In a conversation with Mrs. Rudd this afternoon she agreed to have the Media Arts appeal heard at the same time as the appeal filed by the Tigard City Manager.

Media Arts, Inc. has appealed the Community Development Director's interpretation on the basis of the following statement.

"Disagreement with interpretation of sign ordinance issued by Community Development Director; Director's interpretation of the sign code is unconstitutional, violating State and Federal constitutional guarantees of freedom of speech, privileges and immunities and due process; Director's interpretation violates 42 USC § 1983; City Manager does not have standing to appeal; other constitutional and procedural issues to be identified at hearing."

The staff recommendation remains the same. Staff review of the pertinent materials that are part of your record, indicates that the intent was to expressly prohibit billboards within the Tigard City limits, and concurs with the Community Development Director's Interpretation. Staff recommends that the City Council affirm the Director's Interpretation.



APPEAL FILING FORM FOR LAND USE DECISIONS

13125 SW Hall Blvd., Tigard, OR 97223 (503) 639-4171 FAX: (503) 684-7297

The City of Tigard supports the citizen's right to participate in local government. Tigard's Land Use Code, therefore, sets out specific requirements for filing appeals on certain land use decisions.

The following form has been developed to assist you in filing an appeal of a land use decision in proper form. To determine what filing fees will be required or to answer any questions you have regarding the appeal process, please contact the Planning Division or the City Recorder at the phone/fax listed at the top of this form.

GENERAL INFORMATION

Property Address/Location(s) and Name(s) of the

Application Being Appealed: Director's Interpretation
Regarding Billboard TMC 18.780.015.A.8 and .9, TMC
18.870.070M, TMC 18.780.090.E.1 and TMC 18.780.090E6

How Do You Qualify As A Party?: Media Art, through its
attorney requested a copy of the Director's
Interpretation and has standing under 18.340.020 D
and E.

Appellant's Address: Media Art c/o Michelle Rudd, Stoel
Rives, 900 SW 5th Avenue, Suite 2600
City/State: Portland, OR Zip: 97204

Day Phone Where You Can Be Reached: (503) 294-9390

Scheduled Date Decision Is To Be Final: May 16, 2003

Date Notice of Final Decision Was Given: May 28, 2003

Specific Grounds For Appeal or Review:

Disagreement with interpretation of sign ordinance
issued by Community Development Director; Director's
interpretation of the sign code is unconstitutional,
violating State and Federal constitutional guarantees
of freedom of speech, privileges and immunities and
due process; Director's interpretation violates
42 USC § 1983; City Manager does not have standing
to appeal; other constitutional and procedural issues
to be identified at the hearing.

Media Art's mailing address is:
1923 Broadway Street
Vancouver, WA 98663

FOR STAFF USE ONLY

Case No.(s): MIS 2003-00022

Case Name(s): _____

Receipt No.: 2003-2262

Application Accepted By:

Date: KJP

Approved As To Form By: _____

Date: _____

Denied As To Form By: _____

Date: _____

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REQUIRED SUBMITTAL ELEMENTS

✓ Application Elements Submitted:

- ☒ Appeal Filing Form (completed)
- ☒ Filing Fee (based on criteria below)

> Director's Decision to Planning Commission	\$ 250.00
> Expedited Review (deposit)	\$ 300.00
> Hearing Referee	\$ 500.00
> Planning Commission/Hearing's Officer to City Council	\$1,790.00
	(+ Transcript)

Signature(s) of Appellant(s):

Michelle Rudd

Michelle Rudd, Stoel Rives, LLP
on behalf of Media Art